

# **CASE STUDY**

# **RIGHT-OF-WAY**

# **REPORT**

**Route 69 at Munger Hill Road**  
**Mexico-Colosse, SH 9285**  
**Oswego County, New York State**



**Prepared by:**

**Hulbert Engineering and Land Surveying, DPC**  
**Centre Plaza, 53 Chenango Street, 8<sup>th</sup> Floor**  
**Binghamton, New York 13901**

**February 2010**

# **HIGHWAY BOUNDARY RIGHT-OF-WAY**

ROUTE 69 AT MUNGER HILL ROAD  
VILLAGE OF MEXICO  
OSWEGO COUNTY

S.H. 9285 MEXICO-COLOSSE

COMPILED BY: Raymond L. Hulbert, LS and Matthew S. Lesch, LS

CHECKED BY: E. HULBERT, LS

# RESEARCH CHECK LIST

- COVER – JOB DESCRIPTION .....
- INTRODUCTION / PROJECT LIMITS .....
- LOCATION MAP .....
- OFFICIAL STATE HIGHWAY NAME .....
- KEY MAP & MINIMUM WIDTH .....
- RECORD PLANS .....
- APPROPRIATION MAPS .....
- CROSS SECTIONS .....
- MAINTENANCE RECORDS .....
- CONTROL REPORT .....
- OSWEGO COUNTY RECORDS / TOWN  
RECORDS.....
- DEEDS .....
- TAX MAPS .....
- ATLAS .....
- TOWN OF MEXICO ROAD HISTORY .....
- STATUTE LAW .....
- SUMMARY .....

Route 69 at Munger Hill Road  
Mexico-Colosse, SH 9285  
Oswego County, New York State

1. INTRODUCTION

New York State Department of Transportation (NYSDOT) Region 3 requested that Hulbert Engineering and Land Surveying, P.C. (HELs) perform Highway Boundary Determination along Route 69 (SH 9285) and Munger Hill Road in the Village of Mexico for PIN 302307.

2. PROJECT LIMITS

The limits for the PIN 302307 Highway Boundary Determination, as provided by NYSDOT Region 3 ROW mapping and survey section are from 160 meters southwesterly along Munger Hill Road from intersection of Route 69, 222 meters Southerly along Route 69 from the intersection of Munger Hill Road and 249 meters Northerly along Route 69 from the intersection of Munger Hill Road.



NEW SURVEY LIMIT  
05-26-09

NEW SURVEY LIMIT  
05-26-09

VILLAGE OF MEXICO

VILLAGE OF MEXICO

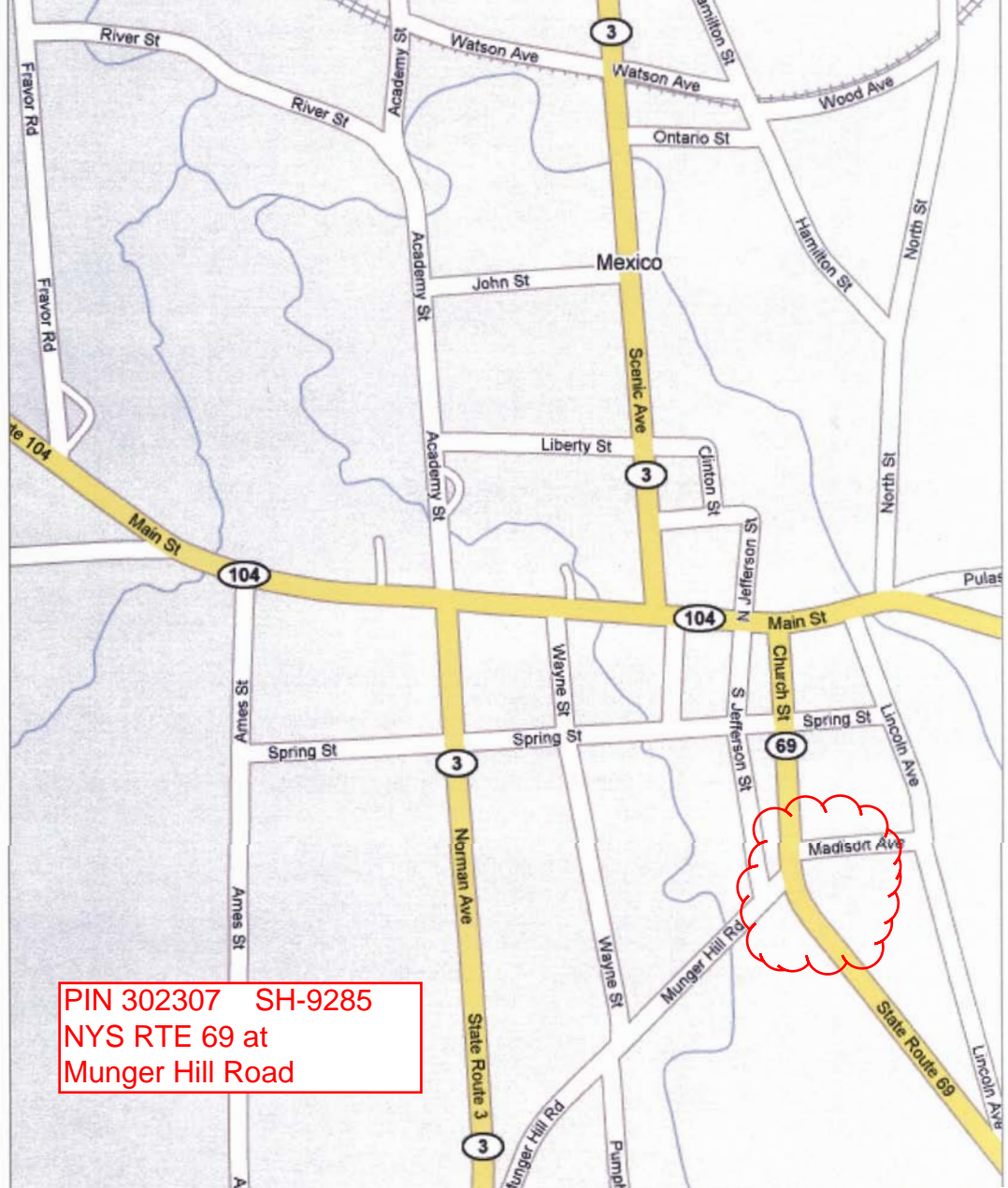
SOUTH JEFFERSON STREET

PROB. TILL LESTER LN

WILSON AVENUE

RHS ROUTE 69

Scale bar and north arrow with text: 1" = 100', 0 100 200 300 400 500 feet

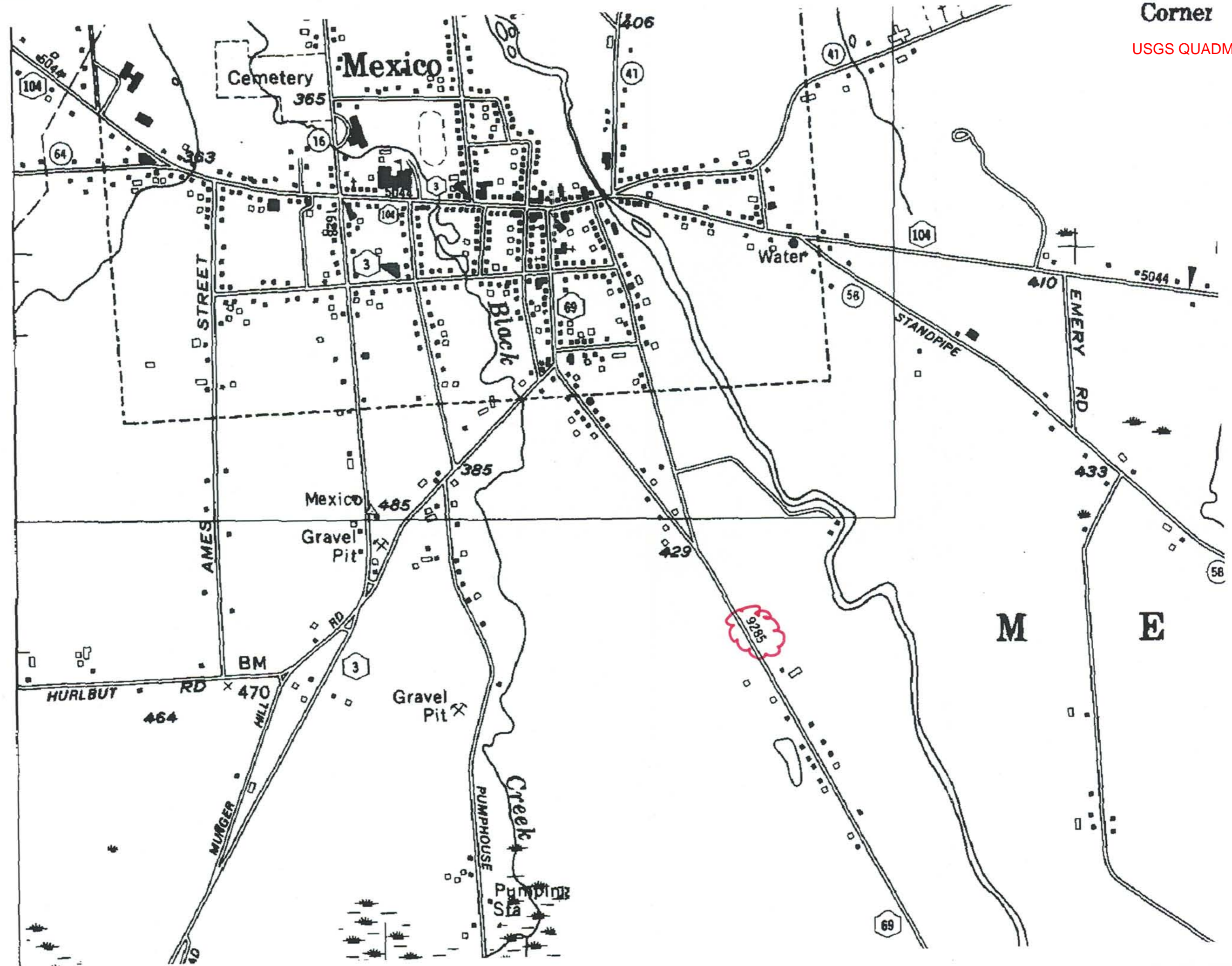


PIN 302307 SH-9285  
NYS RTE 69 at  
Munger Hill Road

## **OFFICIAL STATE HIGHWAY NAME**

This is the official name that should be used for any new appropriation maps or correspondence related to this project. The name can be found in the Catalog of State Highway Numbers in the ROW MAP Unit.

**MEXICO-COLOSSE**





## **KEY MAP & MINIMUM ROW WIDTH**

Use the highway boundary index (Row Map Unit) for 2 things:

1. What is the MINIMUM ROW WIDTH?

**4 RODS**

2. Is there a Key Map available to look at?

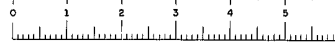
**Yes. There was one (1) small take about 436± feet South from the intersection of Munger Hill Road.**

**(NO HELP)**

# Catalog of State Highway Numbers

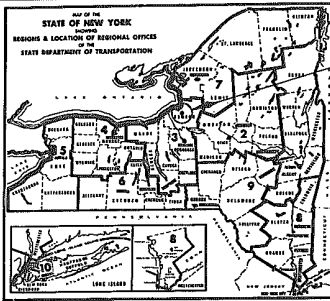
1	SH	9265	11B	NICHOLVILLE-DICKINSON, PART 2	T	021637	75
1	SH	9266	9	OSSINING VILLAGE CONNECTION	T	021737	87
3	SH	9267	11	POTSDAM VILLAGE: ELM STREET		022537	75
3			11B				
3			56				
2	SH	9268	10	WALTON VILLAGE: DELAWARE STREET	T	C41537	93
2			206				
2	SH	9269	20	SOUTHWESTERN BOULEVARD, PARTS 1, 2, 3, 4, 5, 6,	T	041637	53
2				7, AND 8 (EIGHTEEN MILE CREEK BRIDGE)			
1	SH	9270	354	CLINTON STREET, PART 3	T	042637	53
1	SH	9271	14	LYONS VILLAGE: GENEVA STREET	T	052137	37
2	SH	9272	76	SHERMAN-MAYVILLE	T	122837	52
2			430				
1	SH	9273	138	GOLDENS BRIDGE-TURK HILL, PART 1	T	010638	87
1	SH	9274	6N	OSCEOLA LAKE-MAHOPAC LAKE, PART 1	T	011938	87
1	SH	9274A	6N	OSCEOLA LAKE-MAHOPAC LAKE, PART 2	T	011938	84
2	SH	9275	XXXX	PEEKSKILL TRESTLE AND NORTH APPROACH	T	012738	87
2				(DISCONTINUE MAINTENANCE, O.O. 117, 8-8-40)			
3	SH	9276	16	EAST AURORA VILLAGE: MAIN STREET	T	040938	53
3			20A				
3			78				
1	SH	9277	5S	FORT PLAIN VILLAGE: HANCOCK STREET, PART 2	T	052838	25
3	SH	9278	5S	FORT PLAIN VILLAGE: MAIN, WILLET,		071938	25
3			80	RIVER, AND CANAL STREETS			
3			163				
2	SH	9279	XXXX	MAIN STREET-VILLAGE OF PEEKSKILL	T	091438	87
2				(DISCONTINUE MAINTENANCE, O.O. 117, 8-8-40)			
1	SH	9280	9R	COLUMBIA STREET EXTENSION		092838	11
1	SH	9281	13A	FLORAL AVENUE EXTENSION	T	112338	36
1	SH	9282	208	MAYBROOK VILLAGE	T	011039	83
3	SH	9283	353	SALAMANCA CITY: CENTER STREET BRIDGE		082539	51
3				NUMBER 1 AND APPROACHES			
3				(ABANDONED TO CITY, 11- 16-40)			
1	SH	9284	104	MAPLEVIEW-CHECKERED HOUSE		051639	34
1	SH	9285	69	MEXICO-COLOSE	T	051639	34
1	SH	9286	22	BREWSTER BYPASS	T	080239	84
			202				
1	SH	9287	146	GALLOPVILLE-WEST TOWNSHIP-ALTAMONT, PART 2	T	082339	11
1	SH	9288	96	WATERLOO VILLAGE: VIRGINIA STREET	T	082839	35





D96312

D96312



PLANS FOR RECONSTRUCTING A PORTION OF THE  
MEXICO - COLOSSE S.H. 9285

Between Station B 23+30 and Station A 239+21.44, a Length of 4.60 Miles  
of which 0.10 Mile is in the Village of Mexico and 4.50 Miles is in the Town of Mexico

85 SHEETS

OSWEGO COUNTY

CONTRACT NO. D96312

# RECORD PLANS

TYPE OF CONSTRUCTION

Asphalt Concrete Pavement Including Repairs to BIN 302340  
and the Installation of Bridge Rail and Approach Curb

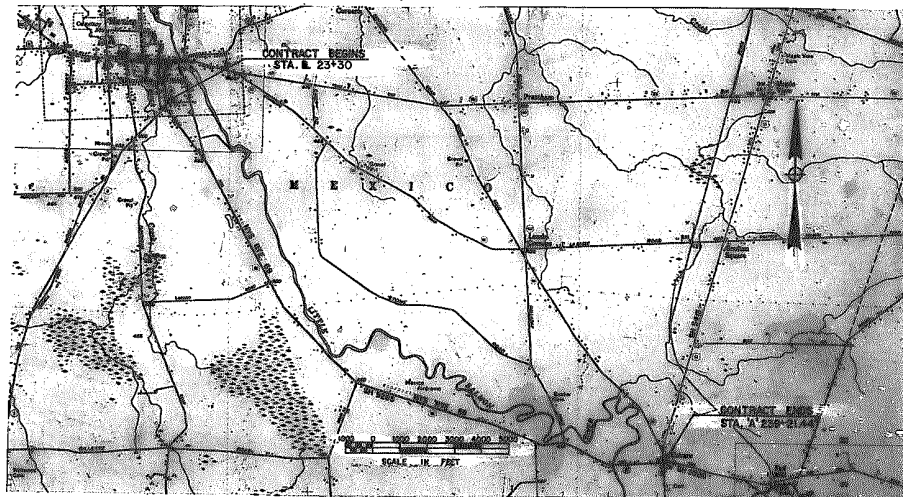
STANDARD SHEETS

203-2R1, 203-6R1, 603-3, 605-1R1, 605-3R2, 605-1, 611-1,  
619-4, 625-1R1, 644-1, 645-7, 645-8R1, 645-9, 645-10,  
645-13R1, 645-14R2, 646-4, 646-5, 655-3, 655-4R1, 655-6R1,  
655-6R1

All work contemplated under this contract is to be covered by and in  
conformity with the specifications of January 3, 1979, as amended  
by Addendum No. 1 except as modified on these plans and in the  
limited Proposal.

TRAFFIC DATA - 1979  
AADT 707 VPH DHV 58 VPH

APPROXIMATE LOCATION  
RTE. 69 FROM MADISON AVE. IN THE VILLAGE  
OF MEXICO TO RTE. 11.



CONTRACTOR'S NAME *Triple Cities Const Co, Inc*

AWARD DATE *2/25/80*

COMPLETION DATE *10/30/81*

FINAL ACCEPTANCE DATE *12/30/81*

REGIONAL DIRECTOR *Joseph M. Powers*

ENGINEER IN CHARGE *Dwayne D. Davis*

FINAL COST TOTAL *\$2,404,673.87*

FISCAL SHARE COST(S)

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Approved: *Dec 6 1979*

L.W. HALLENBECK Acting in his capacity as Chief Engineer

Approved: *Dec 6 1979*

ROGER M. EDWARDS Acting in his capacity as Deputy Chief Engineer of Facilities Design

Approved: *Dec 5 1979*

E.V. HOURIGAN Acting in his capacity as Deputy Chief Engineer Constructed

*As Built Revisions By David J. Nicholson  
Approved by Elynn Parsons, P.E. via 37013  
11/192*

MEXICO - COLOSSE S.H. 9285			
PARISH - CAMDEN, PT. I S.H. 5526			
CENTRAL SQUARE - UNION SQUARE, PT. 2 S.H. 5415			
FED. ROAD REG. NO.	STATE	SHEET NO.	TOTAL SHEETS
1	NY	1 R	85
FEDERAL AID PROJECT NO.			
CAPITAL PROJECT IDENTIFICATION NO. 3025.02.301			

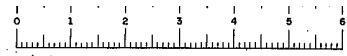
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 DESIGNED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 ESTIMATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 DRAFTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 DESIGNED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 ESTIMATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 DRAFTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 DESIGNED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 ESTIMATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 DRAFTED BY \_\_\_\_\_ DATE \_\_\_\_\_

RECOMMENDED BY *10/1/79* DATE *10/1/79* REGIONAL DESIGN ENGINEER  
 RECOMMENDED BY *11/1/79* DATE *11/1/79* REGIONAL CONSTRUCTION ENGINEER  
 RECOMMENDED BY *11/1/79* DATE *11/1/79* REGIONAL HIGHWAY MAINTENANCE ENGINEER  
 RECOMMENDED BY *11/1/79* DATE *11/1/79* REGIONAL TRAFFIC ENGINEER  
 RECOMMENDED BY *11/1/79* DATE *11/1/79* REGIONAL DIRECTOR

INDEX ON SHEET NO. 2

D96312

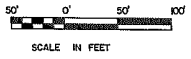
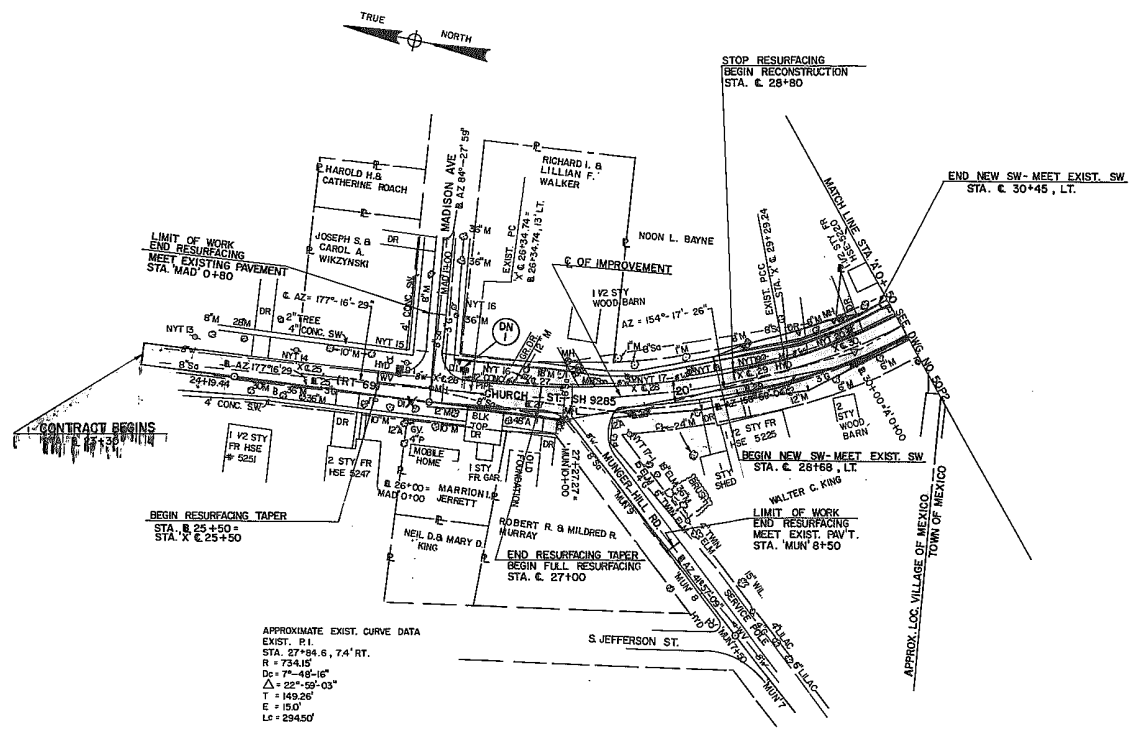
D96312



D96312

FED. ROAD REG. NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.		338	85
MEXICO-COLOSE, SH 9285				

DATE \_\_\_\_\_ CHECKED BY \_\_\_\_\_ DRAFTED BY \_\_\_\_\_ ESTIMATED BY \_\_\_\_\_ DESIGNED BY \_\_\_\_\_  
 INCORPORATED BY \_\_\_\_\_

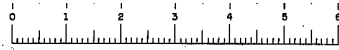


APPROXIMATE EXIST. CURVE DATA  
 EXIST. P.I.  
 STA. 27+54.6, 74' RT.  
 R = 734.15'  
 Dc = 7°-48'-16"  
 Δ = 22°-09'-03"  
 T = 149.26'  
 E = 15.0'  
 Lc = 294.50'

APPROX. EXIST. CURVE DATA  
 EXIST. P.I.  
 STA. A'0+02.4, 10' LT.  
 R = 548.21'  
 Dc = 10°-27'-05"  
 T = 66.00'  
 Δ = 19°-43'-47"  
 E = 3.95'  
 Lc = 131.38'

AS BUILT REVISIONS  
 1. DI STA. 25+85 PLUGGED

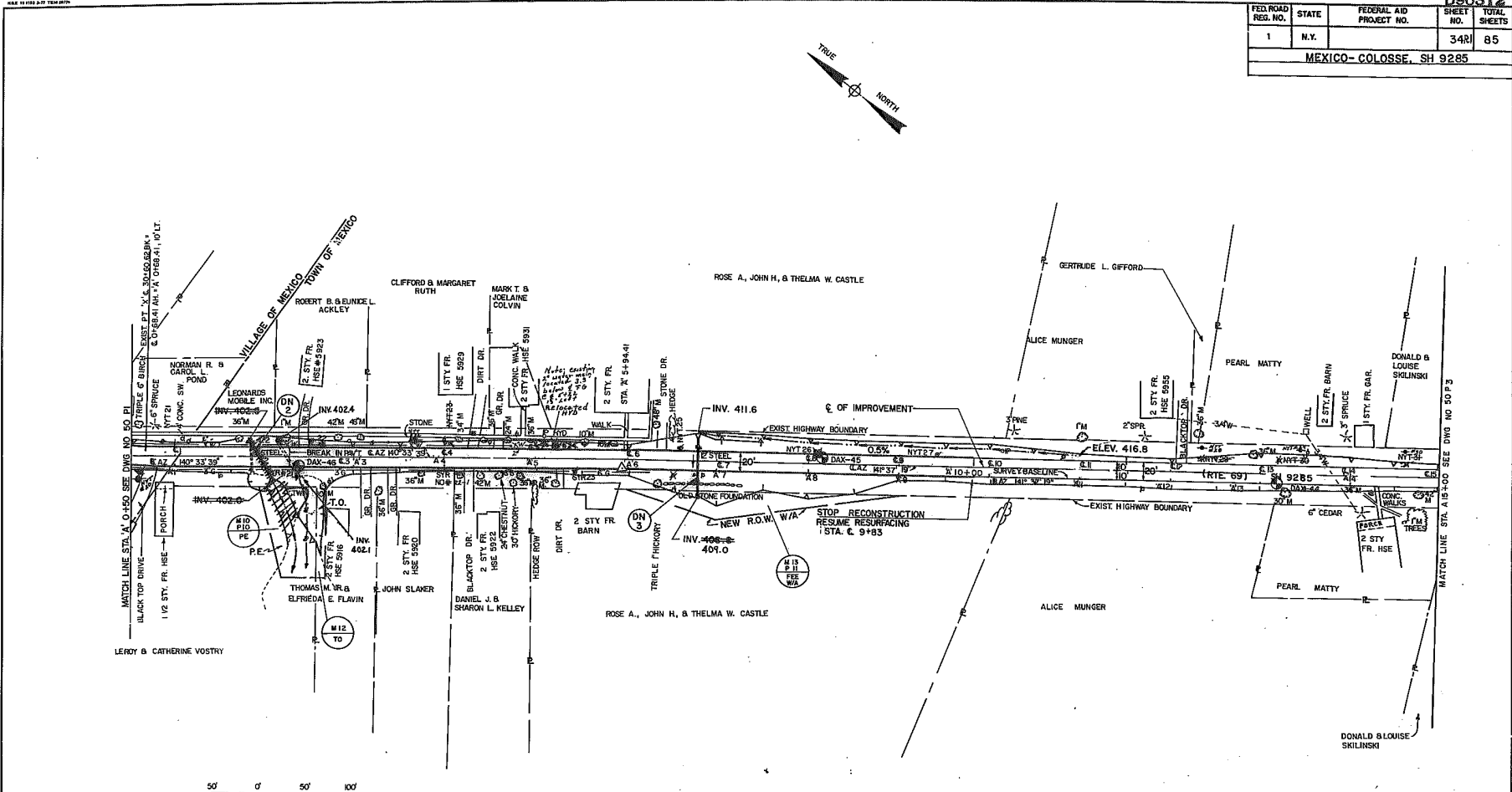
50' SCALE PLANS STA. 24+19.44 - STA. A'0+50				
STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION				
DESIGNED NO. 50 PI	SCALE 1" = 50'	DATE	REGION - 3	SHEET NO. 33



D96312

FED. ROAD REG. NO.	STATE	FEDERAL AID PROJECT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.		34R	85
MEXICO-COLOLSE, SH 9285				

DATE \_\_\_\_\_ CHECKED BY \_\_\_\_\_ DRAFTED BY \_\_\_\_\_ ESTIMATED BY \_\_\_\_\_  
 IN CHARGE OF *[Signature]*



**AS BUILT REVISIONS**

1. DN#2 LOCATION
2. CULVERT INVERTS
3. Pole Relocations
4. U.P.D. Relocation

50' SCALE PLANS  
STA. 'A' 0+50 TO STA. 'A' 15+00

**STATE OF NEW YORK**  
**DEPARTMENT OF TRANSPORTATION**

DRAWING NO.	SCALE	DATE	REGION	SHEET
50 P2	1" = 50'		3	34

## **EXISTING APPROPRIATION MAPS**

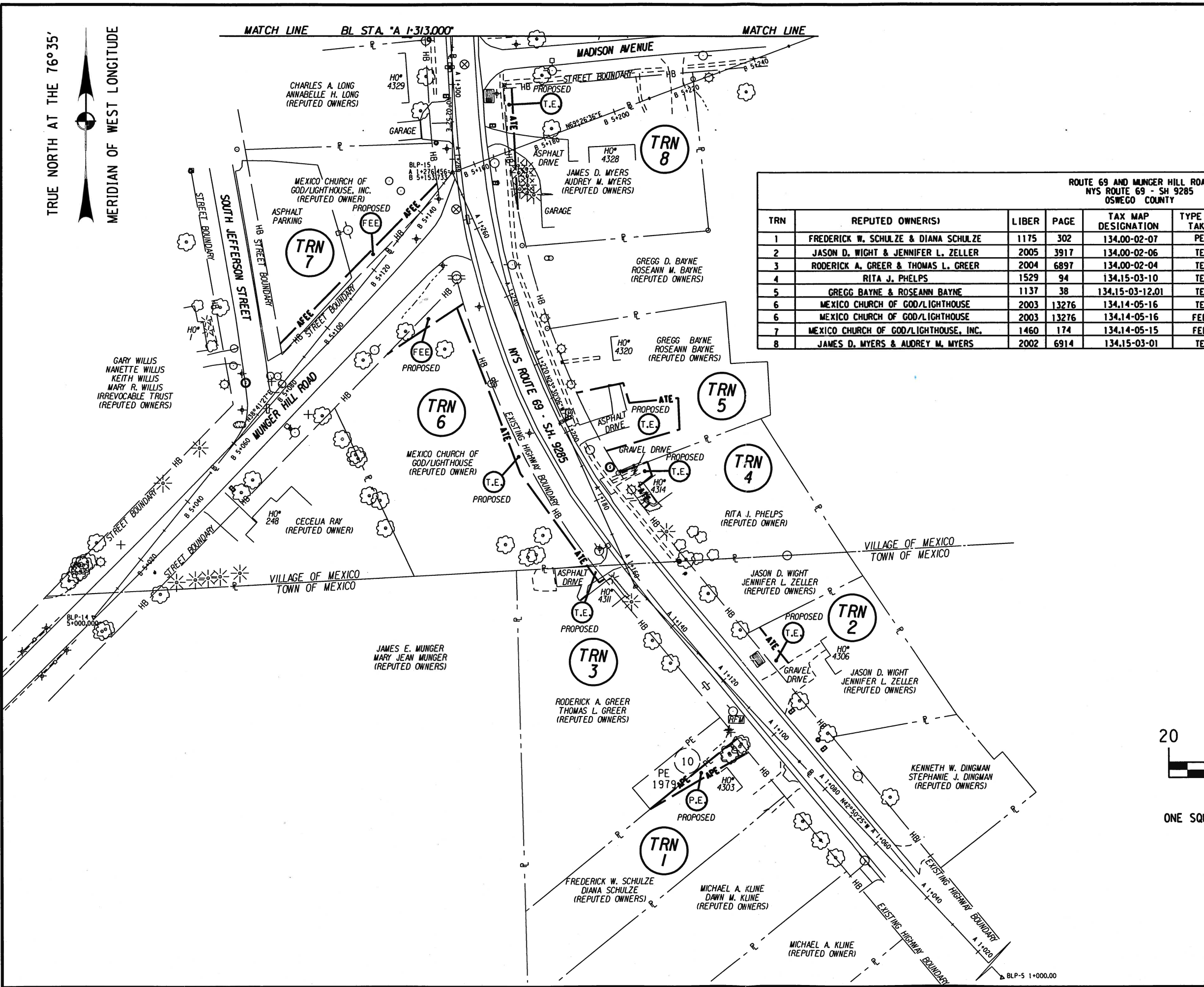
(As shown on Key Map)

- Only one take in area, not enough to establish conclusive highway boundary.
- Tried to establish original centerline, but information was not available through extensive research.

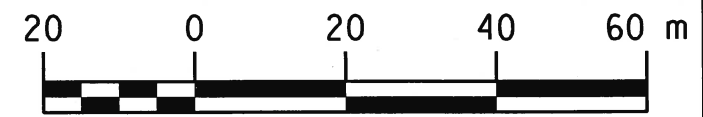
DESIGN SUPERVISOR  
JOB MANAGER  
CHECKED BY  
DESIGNED BY  
ESTIMATED BY  
CHECKED BY  
DRAFTED BY

TRUE NORTH AT THE 76°35'  
MERIDIAN OF WEST LONGITUDE

FED ROAD REG. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.		2	3
NYS ROUTE 69			S.H. 9285	
ROUTE 69 AT MUNGER HILL ROAD				
MEXICO - COLOSSE				
OSWEGO COUNTY, NEW YORK STATE				
P.I.N. 3023.07				



TRN	REPUTED OWNER(S)	LIBER	PAGE	TAX MAP DESIGNATION	TYPE OF TAKE	APPROX. AREA SQ. M.	APPROX. AREA SQ. FT.	REMARKS
1	FREDERICK W. SCHULZE & DIANA SCHULZE	1175	302	134.00-02-07	PE	71.7	771.8	
2	JASON D. WIGHT & JENNIFER L. ZELLER	2005	3917	134.00-02-06	TE	46.5	500.5	
3	RODERICK A. GREER & THOMAS L. GREER	2004	6897	134.00-02-04	TE	7.7	82.9	
4	RITA J. PHELPS	1529	94	134.15-03-10	TE	47.5	511.3	
5	GREGG BAYNE & ROSEANN BAYNE	1137	38	134.15-03-12.01	TE	301.7	3247.5	
6	MEXICO CHURCH OF GOD/LIGHTHOUSE	2003	13276	134.14-05-16	TE	138.0	1485.7	
6	MEXICO CHURCH OF GOD/LIGHTHOUSE	2003	13276	134.14-05-16	FEE	71.2	766.4	
7	MEXICO CHURCH OF GOD/LIGHTHOUSE, INC.	1460	174	134.14-05-15	FEE	142.8	1537.1	
8	JAMES D. MYERS & AUDREY M. MYERS	2002	6914	134.15-03-01	TE	48.2	518.8	



SCALE 1:1000  
ONE METER EQUALS 3.280833333 FEET.  
ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

ALL DIMENSIONS ARE IN m UNLESS OTHERWISE NOTED

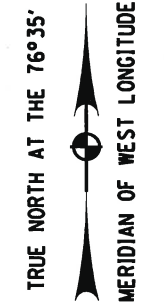
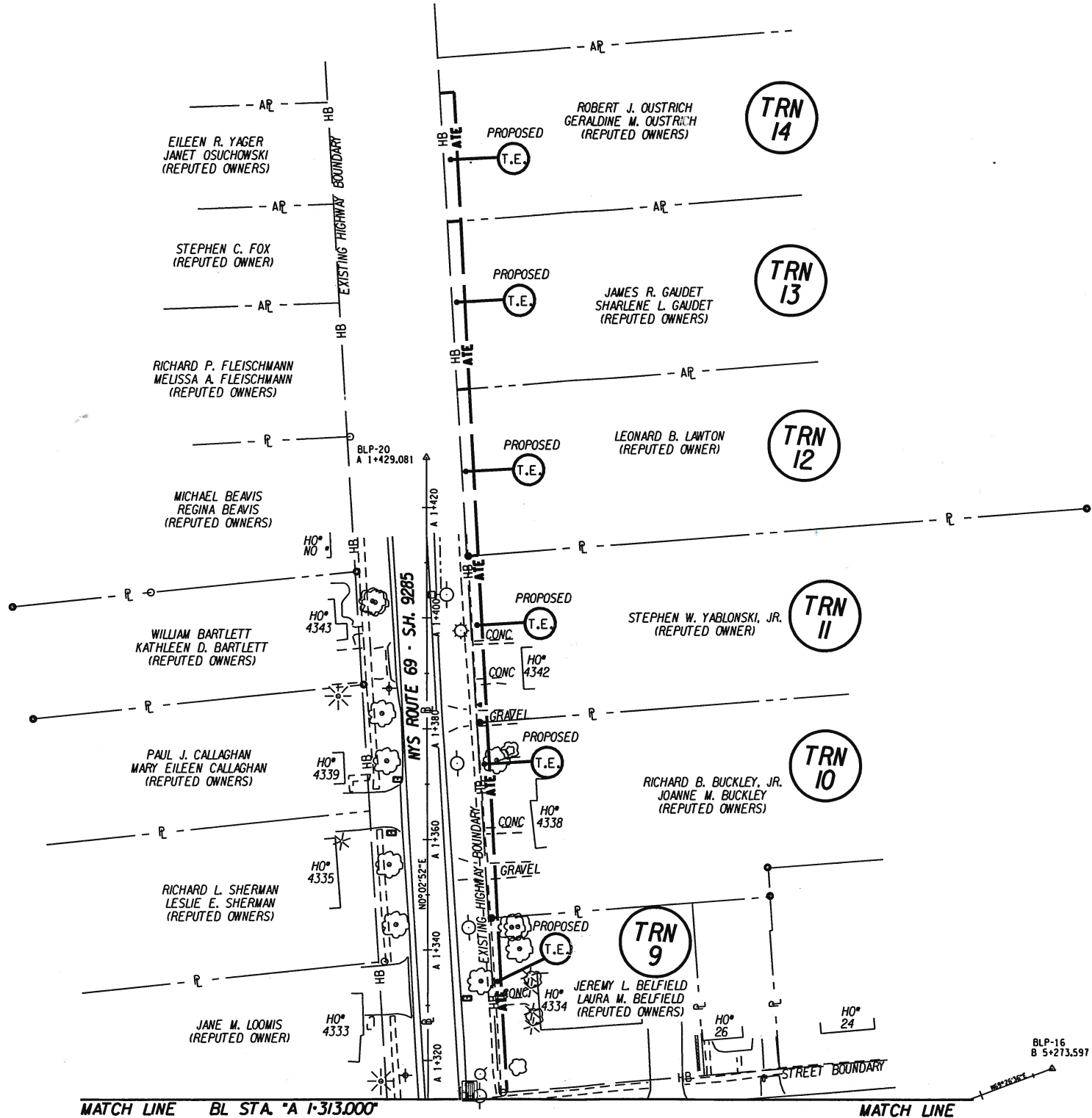
**ABSTRACT REQUEST MAP**

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

FILENAME 302307_map_or.m.0002.dgn	REGION 3	DATE JUNE 2009	DRAWING NO. SHEET 2
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DESIGN SUPERVISOR \_\_\_\_\_ DESIGNED BY \_\_\_\_\_ ESTIMATED BY \_\_\_\_\_ CHECKED BY AMR \_\_\_\_\_ DRAFTED BY AMR \_\_\_\_\_ CHECKED BY RLH \_\_\_\_\_

FED ROAD REG. NO.	STATE	CONTRACT NO.	SHEET NO.	TOTAL SHEETS
1	N.Y.		3	3
NYS ROUTE 69			S.H. 9285	
ROUTE 69 AT MUNGER HILL ROAD				
MEXICO - COLOSSE				
OSWEGO COUNTY, NEW YORK STATE				
P.I.N. 3023.07				



SCALE 1:1000  
 ONE METER EQUALS 3.280833333 FEET.  
 ONE SQUARE METER EQUALS 10.7638673611 SQUARE FEET.

ALL DIMENSIONS ARE IN m UNLESS OTHERWISE NOTED

TRN	REPUTED OWNER(S)	LIBER	PAGE	TAX MAP DESIGNATION	TYPE OF TAKE	APPROX. AREA SQ. M.	APPROX. AREA SQ. FT.	REMARKS
9	JEREMY L. BELFIELD & LAURA M. BELFIELD	2007	13862	134.15-01-20	TE	48.1	517.7	
10	RICHARD B. BUCKLEY, JR. & JOANNE M. BUCKLEY	2002	5468	134.15-01-21	TE	61.2	658.7	
11	STEPHEN W. YABLONSKI, JR.	1270	125	134.15-01-22	TE	58.5	629.7	
12	LEONARD B. LAWTON	1396	340	134.15-01-23	TE	64.4	693.2	
13	JAMES R. GAUDET & SHARLENE L. GAUDET	1509	104	134.15-01-24	TE	70.0	753.7	
14	ROBERT J. OUSTRICH & GERALDINE M. OUSTRICH	1130	338	134.15-01-25	TE	56.6	609.2	

**ABSTRACT REQUEST MAP**

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

FILENAME 302307_map_arm_0003.dgn	REGION 3	DATE JUNE 2009	DRAWING NO. SHEET 3
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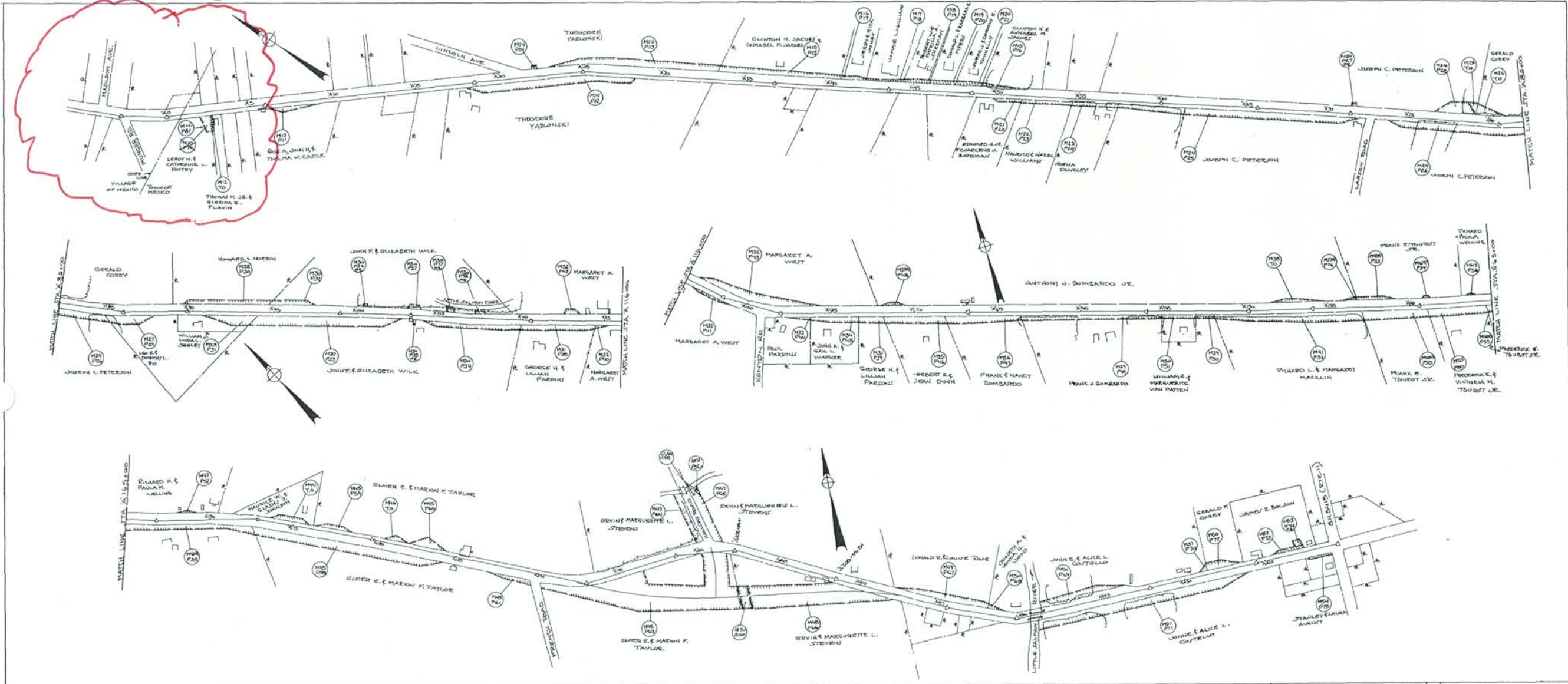


## Highway Boundary Index

COUNTY	ROUTE NO.	SH NO.	STATE HIGHWAY NAME	KEY MAP	ROW WIDTH	HISTORY NO.	DESCRIPTION - REMARKS - ETC.
	048	0279	West Oswego River Road	No. <del>66</del> * 57.75	66'		1839 Survey, Oswego Town Road Book Page 120. * Part in Village of Minetto Pages 270-271, also Oswego Town Road Book Pages 23 & 24. (1) (2)
	049	9053	Volney - Roosevelt Corners - Central Sqr.	No. <del>66</del> ✓ 1915	66	10 & 62	Public Road April 8, 1808. Rome Rochester Turnpike 1825. Town of Mexico Hwy. Book Pages 16 & 17. 1.
	049	1243	Central Square - Constantia, Part 1	No. <del>66</del>	66	10 & 62	Public Road April 8, 1808. Rome Rochester Turnpike 1825. Town of Mexico, Hwy. Book Pages 16 & 17. 1.
	049	1553	Central Square - Constantia, Part 2	No. <del>66</del> ✓ 1908	66	10 & 62	Public Road April 8, 1808. Rome Rochester Turnpike 1825. Central Square - Vienna Plank Road 1885. 1.
	049	1554	Constantia - Cleveland	No. <del>66</del> ✓ 1905	66	62 & 33	Public Road April 8, 1808. Rome Rochester Turnpike 1825. Mexico Turnpike. 1.
	049	1629	Cleveland - Vienna, Part 1	No. <del>66</del>	66	62 & 33	Public Road, April 8, 1808. Rome Rochester Turnpike 1825. Mexico Turnpike. 1.
	069	9285	Mexico - Colosse	No. <del>66</del> ✓ 1945	66		Mexico Road Book Page 131, 1820. Mexico Road Book Page 94, 1813. Burr's Atlas. 1.
	069	5526	Parish - Camden, Part 1	No. <del>66</del> ✓ 1905	66	33	Part of Mexico Turnpike. Mexico Road Book Pages 149, 153 & 164. Colosse to Parish Page 53. Parish to Camden Pages 37-39. Burr's Atlas. 1.
	069	5638	Parish - Camden, Part 2	No. <del>66</del> ✓ 1905	66		Mexico Road Book Pages 37-39, 72, 83 & 110. The old Camden Rd. ? Burr's Atlas. 1.
	069	5644	Parish - Camden, Part 3	No. <del>66</del> ✓ 1905	66		Mexico Road Book Page 37-39, 72, 83 & 110. The old Camden Rd. ? Burr's Atlas. 1.
	069A	1413	Hastings-Parish	No. <del>66</del> ✓ 1905	66.5		Between Church Street & N.Y.S. Rt. 65 Between lots 17 & 18 & in lot 60 running N. (to be checked) See Additional Listings. 1. SEE SKETCH PAGE 10

Key Map and Plan of Property Acquisitions - Mexico-Colosse, Oswego County, NYS

Work Area



MEXICO - COLOSSE S.H. 9285			TABLE OF PROPERTIES FORMERLY ACQUIRED BY OTHERS		REMARKS
TRM NO.	PARCEL NO.	ACRES	TYPE	REPUTED OWNER	
PROPERTIES BY THE STATE OF NEW YORK					
10	10-10	0.00	DR	LEROY A. SCARFARINE L. JORDY	DRAINAGE DITCH
11	11-11	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
12	12-12	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
13	13-13	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
14	14-14	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
15	15-15	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
16	16-16	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
17	17-17	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
18	18-18	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
19	19-19	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
20	20-20	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
21	21-21	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
22	22-22	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
23	23-23	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
24	24-24	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
25	25-25	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
26	26-26	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
27	27-27	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
28	28-28	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
29	29-29	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
30	30-30	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
31	31-31	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
32	32-32	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
33	33-33	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
34	34-34	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
35	35-35	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
36	36-36	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
37	37-37	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
38	38-38	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
39	39-39	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
40	40-40	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
41	41-41	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
42	42-42	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
43	43-43	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
44	44-44	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
45	45-45	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
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53	53-53	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
54	54-54	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
55	55-55	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
56	56-56	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
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70	70-70	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
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83	83-83	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
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93	93-93	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
94	94-94	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
95	95-95	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
96	96-96	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
97	97-97	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
98	98-98	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
99	99-99	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA
100	100-100	0.00	DR	THOMAS H. FLAVIN & SHERIDA E. FLAVIN	WORK AREA

KEY MAP AND PLAN OF  
PROPERTY ACQUISITIONS  
MEXICO - COLOSSE  
S.H. 9285



MADE BY: T. W. B. REYNOLDS  
CHECKED BY: J. W. B. REYNOLDS

JUL 1969  
#1969

MEXICO-COLOSSÉ

S.H. NO. 9285

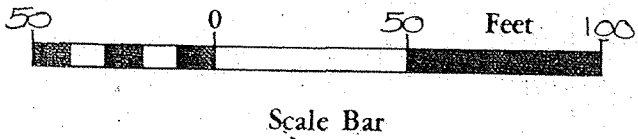
MAP NO. 10

PARCEL NO. 10

COUNTY

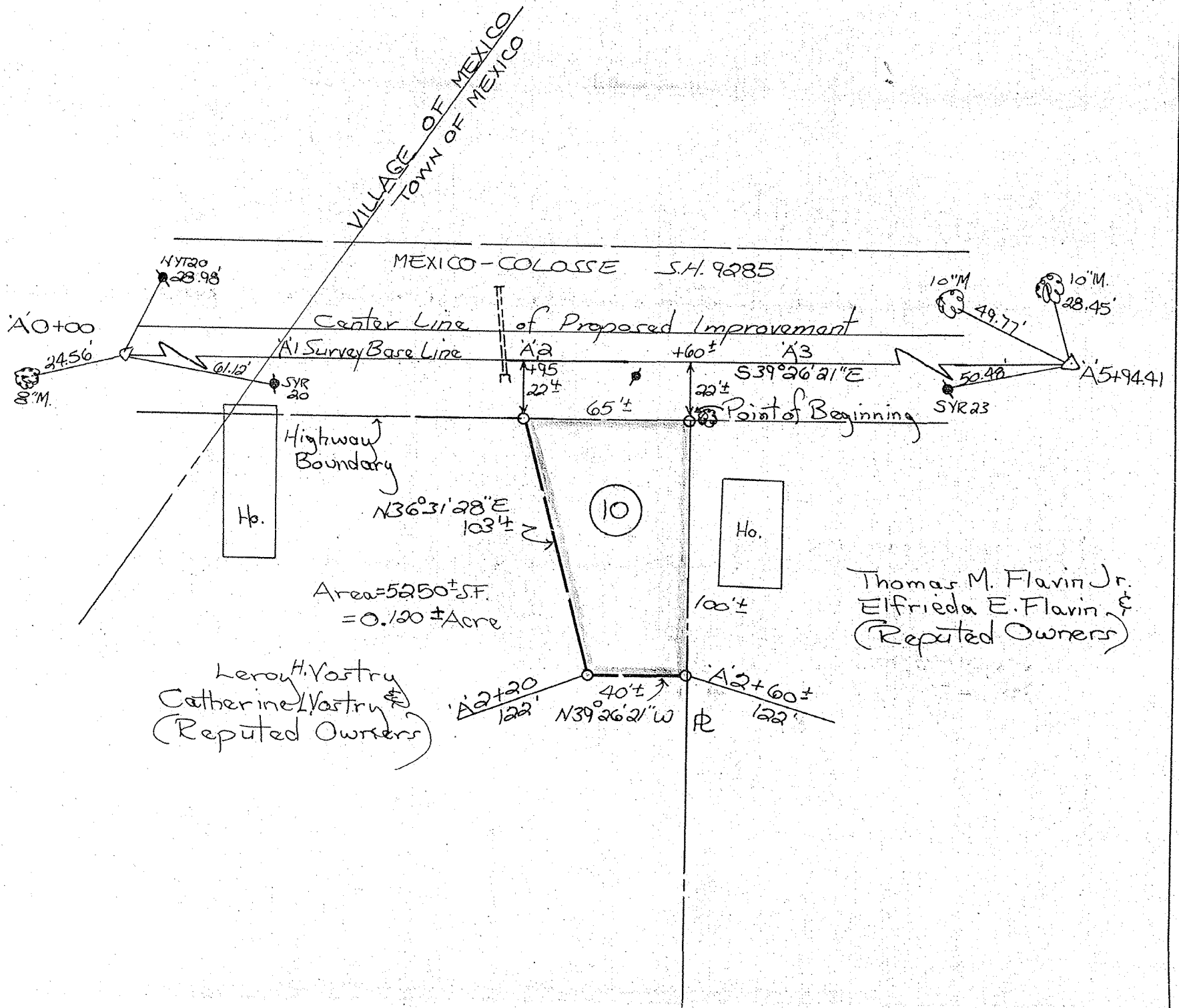
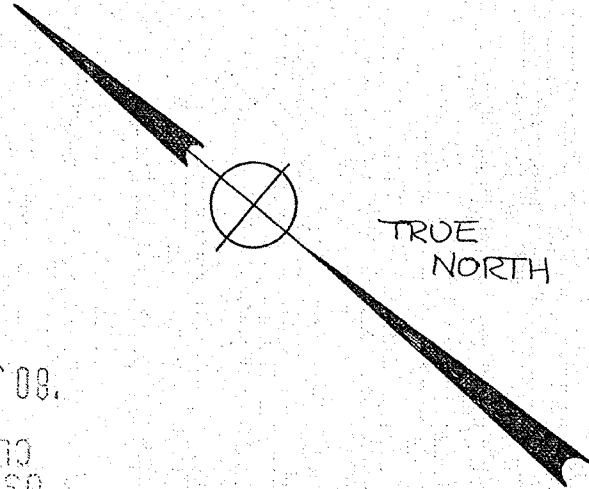
SHEET 1 OF 1 SHEETS

Survey notes on file at New York  
State Department of Transportation  
Regional Office No. 3 located  
at Syracuse, New York.  
TRN  
CC - L 700 P 143

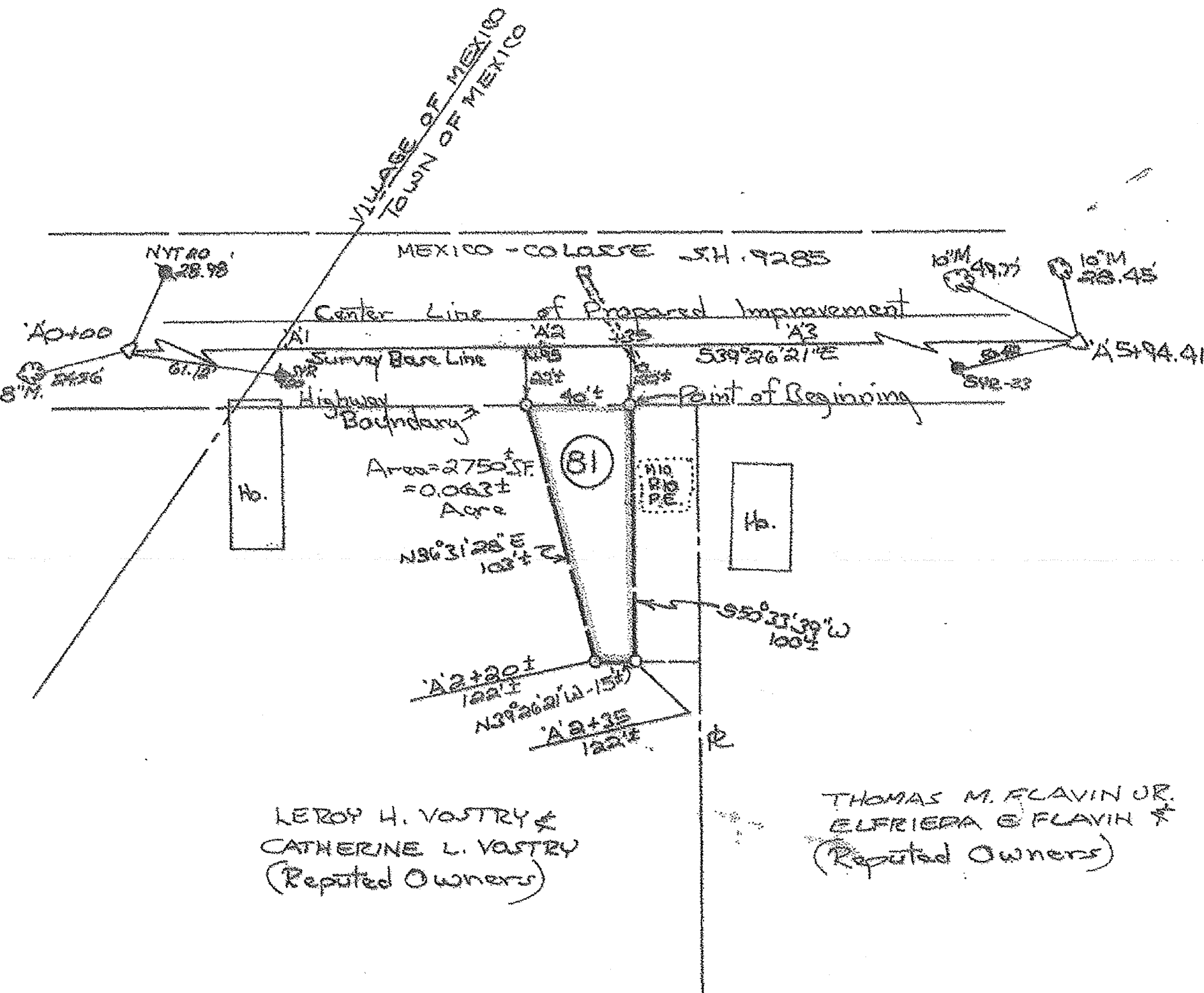
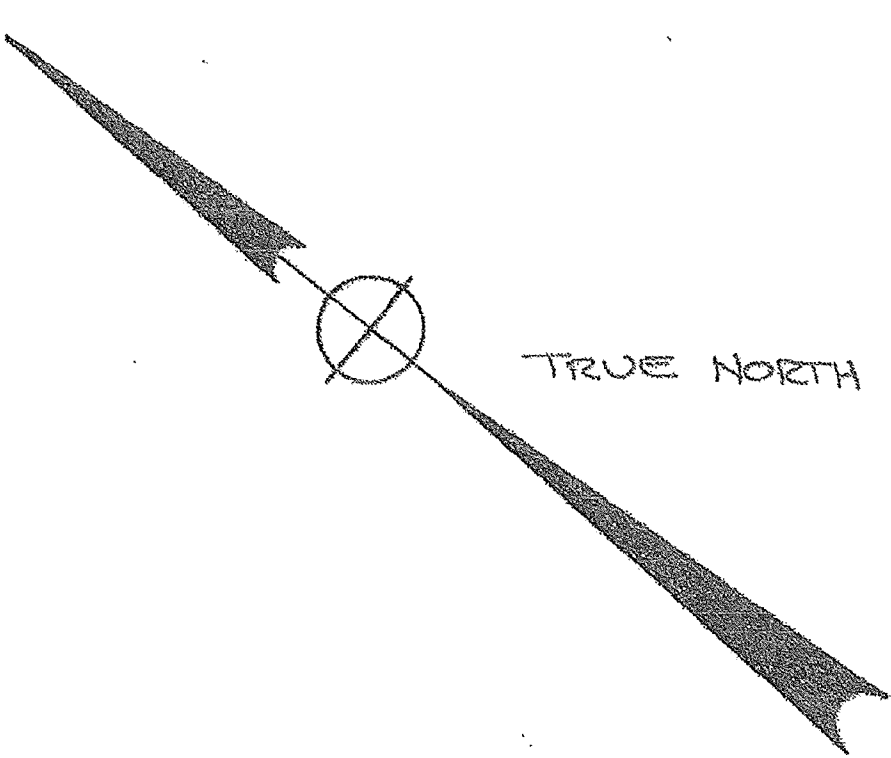
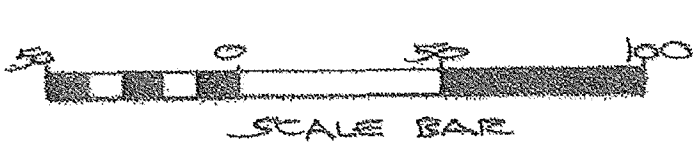


Scale Bar

RECEIVED  
JUN 3 10:14  
OSWEGO COUNTY  
CLERKS OFFICE



Survey notes on file at New York  
State Department of Transportation  
Regional Office No. 3 located  
at Syracuse, New York.



Tax Billing Address - Tax Exempt  
Tax Map Designation - Town of Mexico  
Oswego County, New York  
Tax Map Sheet 134  
Tax Map Block No. 2  
Tax Map Parcel No. 4

All that piece or parcel of property hereinafter designated as Parcel No. 81, situate in Farm Lot No. 75, Town of Mexico, County of Oswego, State of New York, as shown on accompanying map and described as follows:

Parcel No. 81

Beginning at a point on the southwesterly boundary of the existing Mexico-Colosse highway, said point being 22+ feet distant, southwesterly, measured at right angles from station 'A'2+35 of the hereinafter described survey baseline for the proposed reconstruction of the Mexico-Colosse State Highway No. 9285; thence thru the property of Leroy H. Vostry and Catherine L. Vostry (reputed owners) the following 3 courses and distances: (1) S50°33'39"W-100+ feet to a point 122+ feet distant southwesterly, measured at right angles, from station 'A'2+35 of said baseline; (2) N39°26'21"W-15+ feet to a point 122+ feet distant southwesterly, measured at right angles, from station 'A'2+20 of said baseline; and (3) N36°31'28"E-103+ feet to a point on the southwesterly boundary of said existing highway, the last mentioned point being 22+ feet distant southwesterly, measured at right angles, from station 'A'1+95 of said baseline; thence southeasterly, along the last mentioned boundary of said existing highway 40+ feet to the point of beginning, being 2,750+ Sq. Ft. = 0.063+ acre, more or less.

Being a portion of the property acquired by appropriation for a permanent easement for drainage ditch by virtue of Parcel No. 10 of Map No. 10, which map was filed in the office of the State Department of Transportation on September 20, 1979 and in the office of the Clerk of Oswego County on January 3, 1980.

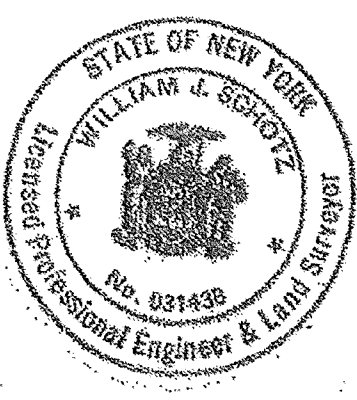
The above mentioned survey baseline is a portion of the survey baseline for the reconstruction of the Mexico-Colosse State Highway No. 9285 as shown on a map and plan on file in the office of the State Department of Transportation and described as follows:

Beginning at Sta. 'A'0+00; thence S39°26'21"E to Sta. 'A'5+94.41

All bearings referred to true north.

I hereby certify that this is an accurate description and map made from an accurate survey, prepared under my direction.

DATE Nov. 17 19 82



*William J. Schotz*  
William J. Schotz  
Associate Civil Engineer  
P.E.S. License No. 31438

I hereby certify that the property described and mapped above is not necessary for this project, and the conveyance thereof is recommended.

Date November 11 19 82

*Joseph M. Powers*  
JOSEPH M. POWERS  
Regional Director of Transportation  
Region No. 3



NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
DESCRIPTION AND MAP FOR THE CONVEYANCE OF PROPERTY

MEXICO-COLOASSE, S.H. NO. 9285  
COUNTY OF OSWEGO

Map No. 1-C  
Parcel No. 81

Total Area = 0.063+ acre  
= 2750+ Sq. Ft.

PROPERTY TO BE QUITCLAIMED TO  
LEROY H. VOSTRY & CATHERINE L. VOSTRY

Description and map of property which was acquired by appropriation as set forth above, pursuant to Section 30 of the Highway Law, which property the Commissioner of Transportation has determined may be quitclaimed, in the name of the People of the State of New York on terms beneficial to the state.

Pursuant to the authority delegated to me by official order of the Commissioner of Transportation the above description and map are hereby officially approved; and said description and the original tracing of this map are hereby officially filed in the office of the department of transportation.

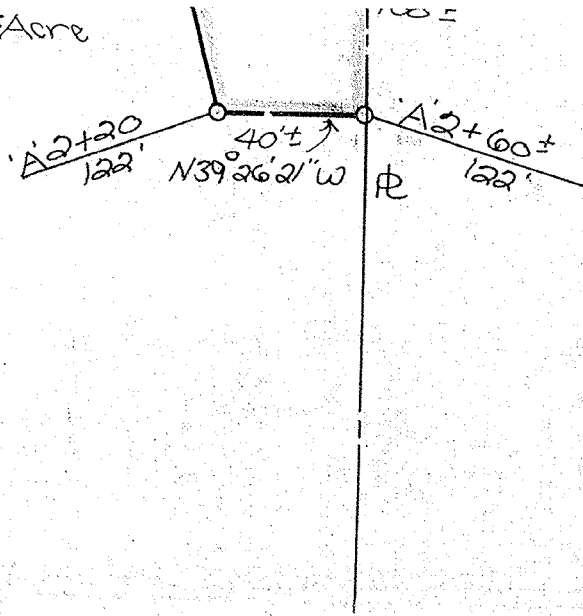
Date August 1 19 84

*John E. Collison*  
J. E. COLLISON  
Director Real Estate Division

I have compared the foregoing copy of description and map with the original thereof, as filed in the office of the department of Transportation and I do hereby certify the same to be a true and correct copy of said original and of the whole thereof.

Leroy H. Vostry  
Catherine Vostry  
(Reputed Owners)

= 0.120 ± Acre



Elfrida E. Flavin  
(Reputed Owners)

#### PERMANENT EASEMENT FOR DRAINAGE DITCH

A permanent easement to be exercised in, on and over the property above delineated and hereinafter described for the purpose of constructing, reconstructing and maintaining thereon a drainage ditch and drainage structures, together with appurtenances, in and to all that piece or parcel of property hereinafter designated as Parcel No. 10, situate in Farm Lot No. 75, Town of Mexico, County of Oswego, State of New York, as shown on the accompanying map and described as follows:

#### Parcel No. 10

Beginning at a point on the southwesterly boundary of the existing Mexico-Colosse highway at the intersection of the said boundary with the division line between the property of Leroy H. Vostry & Catherine L. Vostry (reputed owners) on the northwest, and the property of Thomas M. Flavin & Elfrida E. Flavin (reputed owners) on the southeast, said point being 22 ± feet distant, southwesterly, measured at right angles from station 'A' 2+60 ± of the hereinafter described survey baseline for the proposed reconstruction of the Mexico-Colosse State Highway No. 9285; thence southwesterly along said division line 100 ± feet to a point 122 feet distant southwesterly, measured at right angles, from station 'A' 2+60 ± of said baseline; thence thru the property of Leroy H. Vostry & Catherine L. Vostry (reputed owners) the following 2 courses and distances: (1) N 39° 26' 21" W - 40 ± feet to a point 122 feet distant southwesterly, measured at right angles, from station 'A' 2+20 of said baseline; (2) N 36° 31' 28" E - 103 ± feet to a point on the southwesterly boundary of said existing highway, the last mentioned point being 22 ± feet distant southwesterly, measured at right angles, from station 'A' 1+95 of said baseline; thence southwesterly along the last mentioned boundary of said existing highway 65 ± feet to the point of beginning, being 0.350 ± Sq. Ft. = 0.120 ± acre, more or less.

Reserving, however, to the owner of any right, title or interest in and to the property described above and such owner's successors or assigns the right of using said property and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purposes for, and as established by the construction and as so constructed, the maintenance, of the herein identified project.

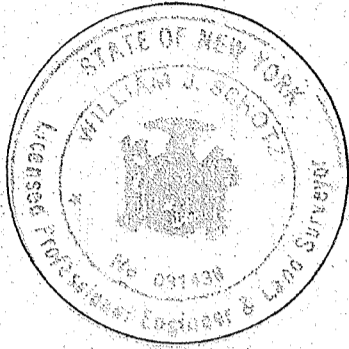
The above mentioned survey baseline is a portion of the survey baseline for the reconstruction of the Mexico-Colosse State Highway No. 9285 as shown on a map and plan on file in the office of the State Department of Transportation and described as follows:

Beginning at Sta. 'A' 0+00; thence S 39° 26' 21" E to Sta. 'A' 5+94.41.

All bearings referred to true north.

I hereby certify that this is an accurate description and map made from an accurate survey, prepared under my direction.

Date May 25 19 79



W. J. Schatz  
William J. Schatz  
Associate Civil Engineer  
P.L.S. License No. 31438

I hereby certify that the property described and mapped above is necessary for this project and the acquisition thereof is recommended.

Date May 25 19 79

Joseph M. Powers  
JOSEPH M. POWERS  
Regional Director of Transportation  
Region No. 3



NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
DESCRIPTION AND MAP FOR THE ACQUISITION OF PROPERTY

MEXICO - COLOSSE, S.H. NO. 9285

COUNTY OF OSWEGO

Map No. 10  
Parcel No. 10

Total Area = 0.120 + Acre  
= 5,250 + Sq. Ft.

LEROY H. VOSTRY & CATHERINE L. VOSTRY  
(Reputed Owner)

Description and map of property in and to which an easement as hereinabove defined, is deemed necessary by the Commissioner of Transportation to be acquired by appropriation in the name of the people of the State of New York for purposes connected with the highway system of the State of New York pursuant to Section 30 of the Highway Law and the Eminent Domain Procedure Law.

There is excepted from this appropriation all the right, title and interest, if any, of the United States of America, in or to said property.

Pursuant to statute set forth above and the authority delegated to me by official order of the commissioner of transportation, the above description and map are hereby officially approved; and said description and the original tracing of this map are hereby officially filed in the office of the department of transportation.

Date September 17 19 79

J. E. COLLISON  
J. E. COLLISON  
Director, Real Estate Division

I have compared the foregoing copy of description and map with the original thereof, as filed in the office of the department of transportation and I do hereby certify the same to be a true and correct copy of said original and of the whole thereof.

[Signature]  
Real Estate Division

## CROSS SECTIONS

Cross sections were completed when the road was worked on, and show the existing cl at the time, as well as the cl after construction (cl of improvement). By studying the shift at interval stations along the road, one can create a line that best represents the earliest cl of record.

- A. If there have been many appropriations in the past in the subject area, or if the area has been built on totally new alignment, i.e. the road has moved to a COMPLETELY new location, then it is often possible to determine the highway boundary from the official appropriation maps and monuments found in the field.
- B. Many times however, the cl has shifted over the years, without any appropriations being necessary. In these instances, the best way to determine where the earliest cl of record is located is by using cross sections.

Which situation ( A or B ) do you have on this project? \_\_\_\_\_

Notes **No Cross Sections Available in this Area**

## CROSS SECTION NOTATIONS

       CROSS SECTIONS REQUIRED. SEE RETRIEVAL INSTRUCTIONS BELOW.

✓ NO X-SECTS **AVAILABLE** FOR HB. GO TO CONTROL REPORT.

## RETRIEVING THE CROSS SECTIONS & FIELD NOTEBOOKS

Once you have decided that it will be necessary to determine the earliest cl of record by using cross sections, you will need to determine what records are available.

## CROSS SECTIONS

The index of all reg 3 xsect's can be found in the ROW Mapping Unit.

Make a copy of the index pages that show the xsect location in the archives (YAGERS)

## FIELD NOTEBOOKS

The index of field notes can be found in the SURVEY Unit

Make a copy of the field note INDEX card for the SH (State Highway) you are working on.

**None available in this area**

## YAGERS GARAGE

This is where the records are kept. From downtown Syracuse, take I690 west past the fairgrounds, to exit at VAN VLECK Rd. Take a right off the ramp, then first left turn, then first gate on the left. KEYS to the gate and the building are in the ROW MAPPING UNIT.



## MAINTENANCE RECORDS

Some times NYSDOT Maintenance forces will widen ONLY one side of the pavement, in effect moving the center line. Because all Minimum ROW widths are centered on the EARLIEST center line of record, it is important to be able to identify ANY center line shifts.

There is an index card file kept in the Maintenance Office  
(5<sup>th</sup> FL State TOWER Bldg)

Make a copy of the Maintenance record for this file.

Review the maintenance records with an eye for any instances of widening on only one side.

I have reviewed these records.

RESULTS **No Records Available in this Area**

**CONTROL REPORT**  
**PIN 302307**  
**ROUTE 69 and MUNGER HILL ROAD**  
**VILLAGE OF MEXICO**  
**OSEGO COUNTY**  
**N.Y.S.D.O.T. REGION 3 ORIGINAL**

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MEMORANDUM  
DEPARTMENT OF TRANSPORTATION

TO: Design Personnel  
FROM: G. I. Jetty, Quality Control Unit *G. I. Jetty*  
SUBJECT: DESIGN UPDATE NOTICE 96-8  
SPECIAL NOTES FOR BASELINE TIE SHEET  
DATE: December 16, 1996

The following notes will now be included on the Baseline Tie Sheets of all jobs:

NOTES

1. "Horizontal and Vertical Control Information"

Horizontal Datum: SPCS NY Central Zone \* NAD83 (CORS96)  
Vertical Datum \* NAVD88

All Baseline Measurements were reduced by a  
combined elevation factor and scale factor of \* 0.999933015

Prior to the completion of the contract, the contractor  
shall reestablish and retie, if disturbed, all control points.

2. "Existing Property Line Monumentation"

All existing property line monumentation, if disturbed,  
must be replaced in its original location.

\*The Designer shall consult with the Regional Survey Unit for the necessary information.

GLJ/AJK/cjc

# HORIZONTAL CONTROL SUMMARY

**PIN 3023.07**

## **ROUTE 69 & MUNGER HILL ROAD VILLAGE OF MEXICO OSWEGO COUNTY**

TWO NEW BASELINES WERE ESTABLISHED FOR THIS PROJECT AND CONSIST OF BL "A" AND BL "B".

BL "A" BEGINS AT NEW PROJECT BASELINE POINT 5 AND PASSES THROUGH BASELINE POINTS 10, 15, AND 20.

THE AZIMUTH OF THE BL "A" WAS DERIVED FROM GPS OBSERVATIONS OF GPS POINT 745, GPS POINT 746, (BASELINE POINT 5 AND BASELINE POINT 10 FROM PROJECT 3805.22, NYSDOT, 2007). A TRAVERSE BEGAN AT GPS POINT 746 AND PASSED THROUGH NEW PROJECT BASELINE POINTS 5, 10, 15, AND 20, TRAVERSE POINTS 21, 22, 23, 24, 25, AND 26, AND CLOSED ON PROJECT 3805.22 BASELINE POINTS 5 AND 10.

BL "B" BEGINS AT BASELINE POINT 14 AND PASSES THROUGH BASELINE POINTS 15, AND ENDS AT POINT 16, WITH BASELINE POINT 15 BEING THE EQUQLIZATION STATION FOR THE TWO BASELINES.

BL "B" WAS ESTABLISHED BY OCCUPYING POINT 15, BACKSIGHTING POINT 10, AND TURNING ONE FULL SET OF ANGLES TO POINTS 14 AND 15 RESPECTIVELY.

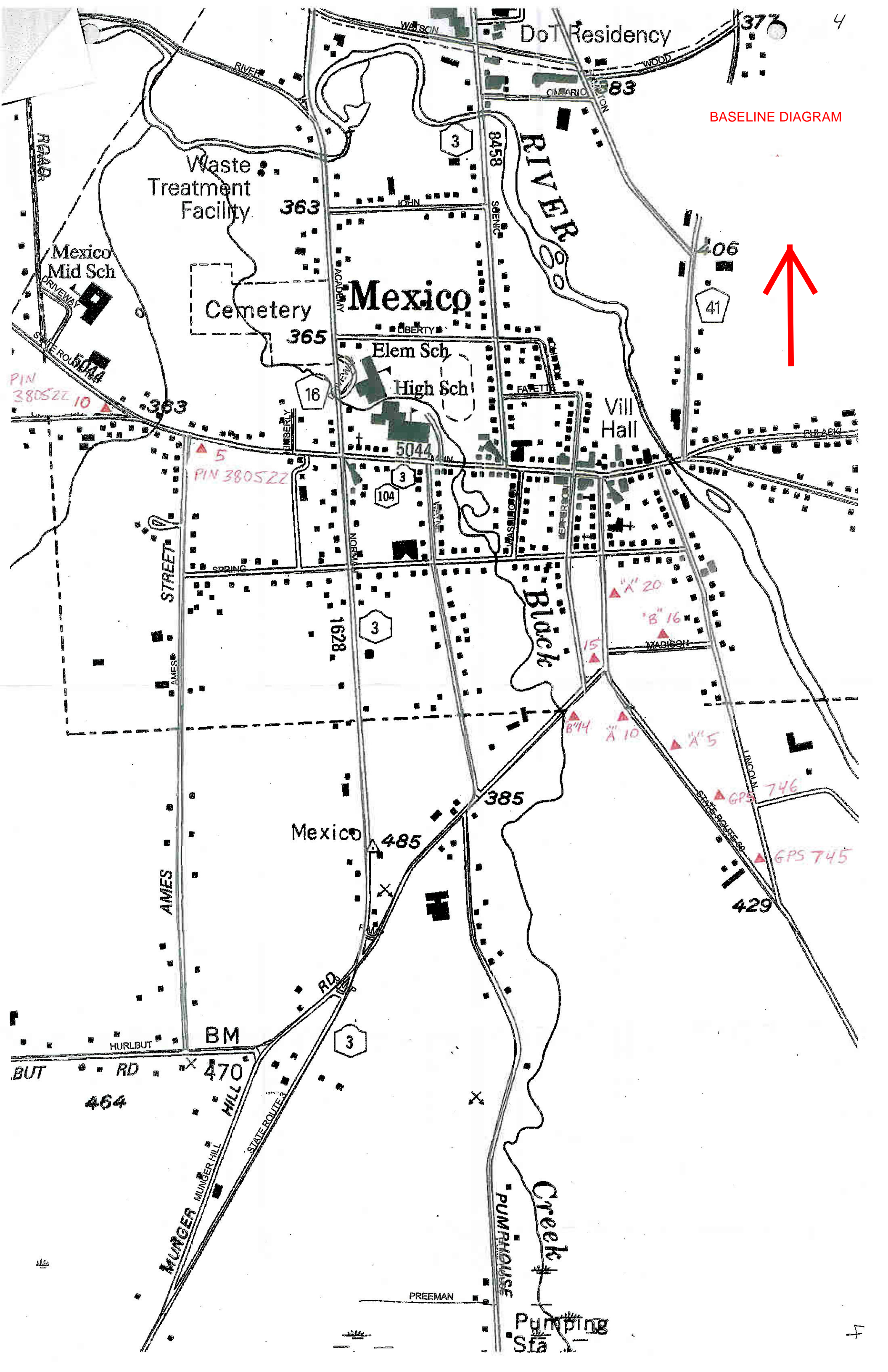
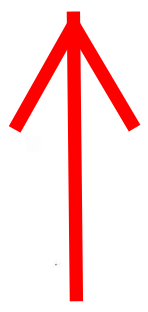
HORIZONTAL COORDINATES OF THE BASELINE POINTS WERE ESTABLISHED FROM CONVENTIONAL TERRESTRIAL SURVEY TRAVERSE METHODS UTILIZING A TOPCON GPT 8201A TOTAL STATION INSTRUMENT.

ALL COORDINATES ARE REFERENCED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE BASED ON NAD 83 (CORS 96).

ALL AZIMUTHS AND BEARINGS ARE REFERRED TO GRID NORTH.

THE BL1 AND BL2 TRAVERSES WERE CLOSED BY THE COMPASS RULE ADJUSMENT. ALL TRAVERSE DISTANCES WERE ADJUSTED TO GRID DISTANCES BY APPLYING THE COMBINED FACTOR.

BASELINE DIAGRAM



PIN 380522 10

PIN 380522

"X" 20  
"B" 16  
"A" 10  
"X" 5

GPS 746

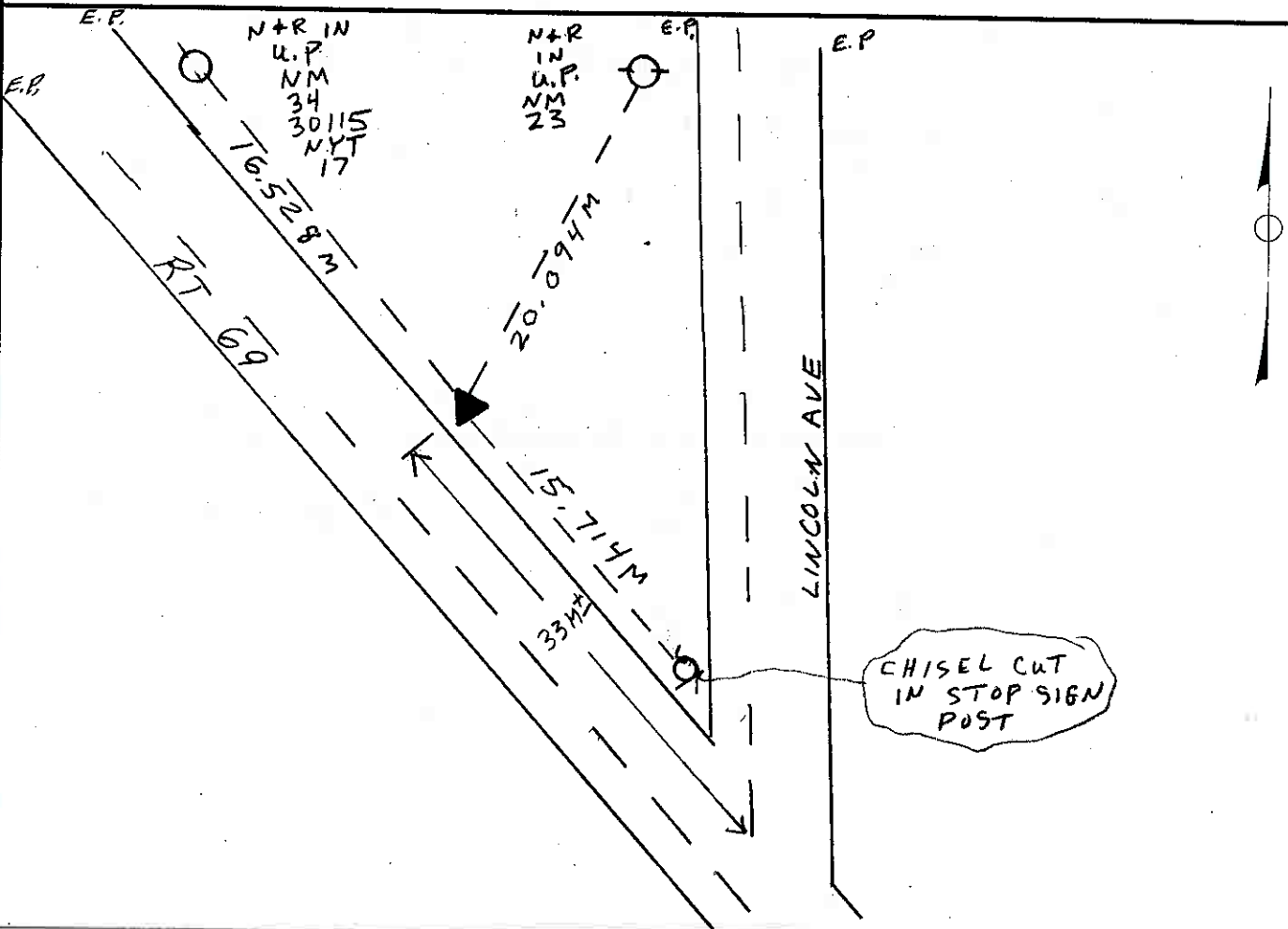
GPS 745

NEW YORK STATE  
 DEPARTMENT OF TRANSPORTATION  
 CONTROL SURVEY DATA  
 BASED ON THE  
 NEW YORK STATE PLANE COORDINATE SYSTEM  
 VALUES IN METERS

PROJECT: 302307  
 ORDER OF SURVEY: THIRD  
 ZONE: CENTRAL  
 CHIEF OF PARTY: KOKOSENSKI  
 USGS QUAD: MEXICO  
 NYS DOT REGION No. 3, SYRACUSE

CITY, VILLAGE OR TOWN	COUNTY	S.H. No.	STATION NAME	STATION	MONUMENT TYPE
MEXICO	OSWEGO	928.5	GPS 745	-	4' REBAR WITH CAP
NORTHING: 383240.3644M		HORIZONTAL DATUM: NAD 83/CORS 96		SURVEYING METHOD <input checked="" type="checkbox"/> GPS <input type="checkbox"/> CONVENTIONAL	
EASTING: 279136.5355M		VERTICAL DATUM: NAVD 88		SURVEYING METHOD <input type="checkbox"/> GPS <input type="checkbox"/> CONVENTIONAL	
ELEVATION: 130.970M		COMBINED FACTOR : 0.999933015		DISTANCES & DIRECTIONS TO BACKSIGHTS AND FORESIGHTS	
GRID SCALE FACTOR :		OBJECT		GRID BEARING	
ELLIPS. REDUCTION FACTOR:		GRID DISTANCE			
ESTABLISHED BY		YEAR			
NYS DOT		2007			

DETAILED DESCRIPTION AT STATION: GPS POINT 745 IS A 1.22 METER (4 FOOT) LONG REBAR WITH CAP AND IS LOCATED ON THE EAST SIDE OF ROUTE 69, 33M NORTH OF THE INTERSECTION OF ROUTE 69 AND LINCOLN AVE.

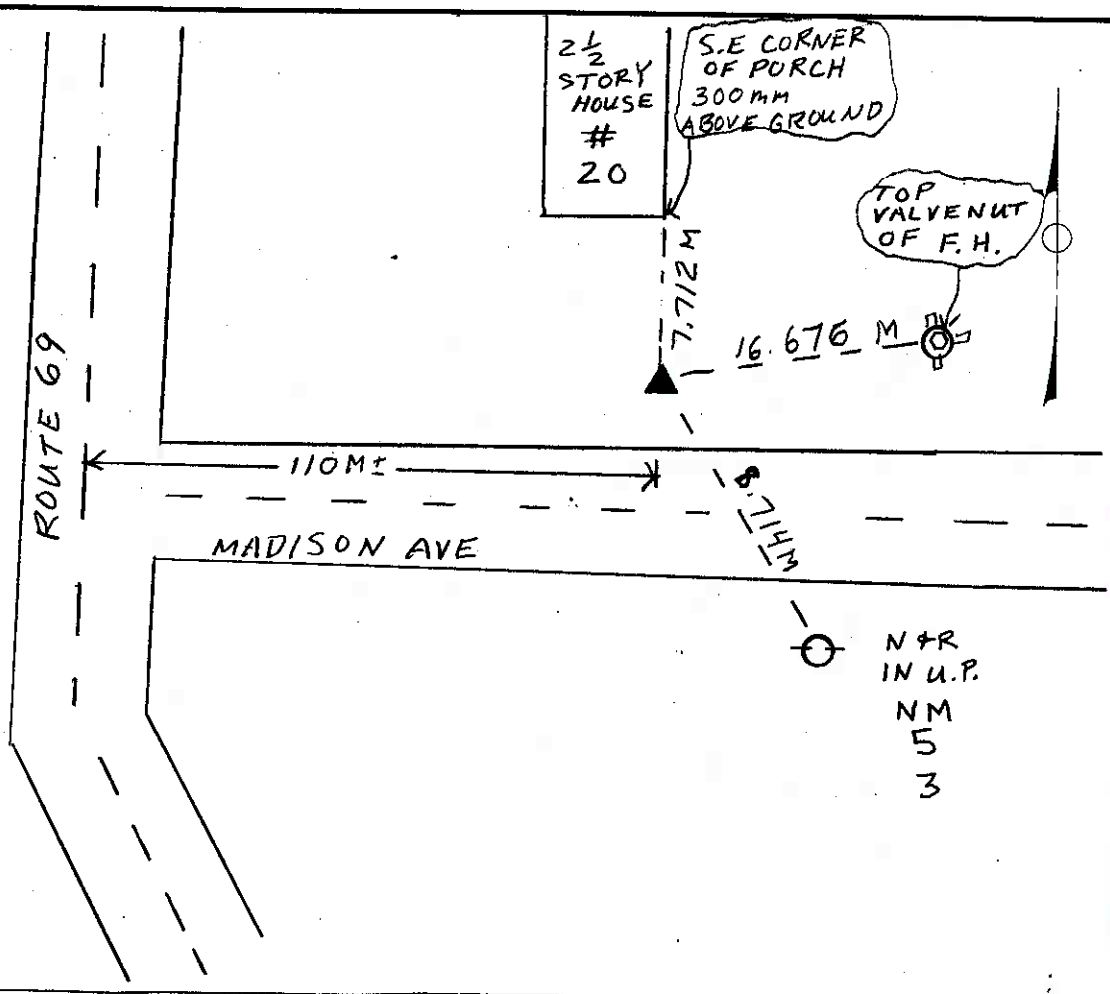


**NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION**  
CONTROL SURVEY DATA  
BASED ON THE  
NEW YORK STATE PLANE COORDINATE SYSTEM  
VALUES IN METERS

PROJECT: 302307  
ORDER OF SURVEY: THIRD  
ZONE: CENTRAL  
CHIEF OF PARTY: KOKOSENSKI  
USGS QUAD: MEXICO  
NYS DOT REGION No. 3, SYRACUSE

CITY, VILLAGE OR TOWN	COUNTY	S.H. No.	STATION NAME	STATION	MONUMENT TYPE
MEXICO	OSWEGO	-	"B" 16	"B" 5+273.597	18 INCH REBAR WITH CAP
NORTHING: <u>383842.5154 M</u>		HORIZONTAL DATUM: NAD 83/CORS 96		SURVEYING METHOD <input type="checkbox"/> GPS <input checked="" type="checkbox"/> CONVENTIONAL	
EASTING: <u>278829.7052 M</u>		T.S.			
ELEVATION:		VERTICAL DATUM: NAVD 88		SURVEYING METHOD <input type="checkbox"/> GPS <input type="checkbox"/> CONVENTIONAL	
COMBINED FACTOR : <u>0.999933015</u>		DISTANCES & DIRECTIONS TO BACKSIGHTS AND FORESIGHTS			
GRID SCALE FACTOR :		OBJECT	GRID BEARING	GRID DISTANCE	
ELLIPS. REDUCTION FACTOR:		"B" 15	S 69-26-36 W	119.864 M	
ESTABLISHED BY		YEAR			
NYS DOT		2007			

DETAILED DESCRIPTION AT STATION: BASELINE POINT 16 IS AN 18 INCH LONG REBAR WITH CAP AND IS LOCATED ON THE NORTH SIDE OF MADISON AVE. 110 M ± EAST OF THE INTERSECTION OF ROUTE 69 AND MADISON AVE.





## **VERTICAL CONTROL SUMMARY**

**PIN 3023.07**

### **ROUTE 69 & MUNGER HILL ROAD VILLAGE OF MEXICO OSWEGO COUNTY**

VERTICAL CONTROL FOR THIS PROJECT WAS ESTABLISHED BY PERFORMING A LEVEL RUN WHICH UTILIZED A DIGITAL LEVEL AND BAR CODED STAFF.

THIS LEVEL RUN BEGAN AT BENCHMARK SNYMX RM 2, PASSING THROUGH NEW PROJECT BENCHMARKS BM1, BM2, BM3, BM4, BM5, NEW PROJECT BASELINE POINTS 5, 10, 14, 15, 16, 20, GPS POINTS 745 AND 746 AND CLOSED ON BENCHMARK SNYMX RM 3.

THIS LEVEL RUN CLOSED WITHIN THE ALLOWABLE ERROR AND WAS ADJUSTED UTILIZING "SURVEY LINK" PROCESSING SOFTWARE.

@1300 SNYMX RM 3 NYMX RM 3 2006  
 MEXICO YUSNY075OSWEGO DB32WINGWALL CNF  
 NYDT TVGA  
 20060809 GB P0001N N0007LN432804  
 W0761358 S83 TTO REACH THE STATION FROM THE INTERSECTION OF NEW YORK  
 STATE ROUTE 3 AND NEW YORK  
 STATE ROUTE 104 IN THE TOWN OF MEXICO GO NORTH ON ROUTE 3 FOR 0.5 MILES TO THE  
 STATION  
 ON THE LEFT. THE STATION IS AN ALUMINUM DISK SET IN A WINGWALL AT THE NORTHWEST  
 CORNER  
 OF BRIDGE NUMBER 10000330. THE STATION IS 49.5 FEET SOUTHEAST OF UTILITY POLE NM 26,  
 VERIZON 26, 19.0 FEET WEST OF THE CENTERLINE OF ROAD AND 17.0 FEET SOUTH OF  
 NORTHWEST  
 CORNER OF CONCRETE BRIDGE APPROACH.

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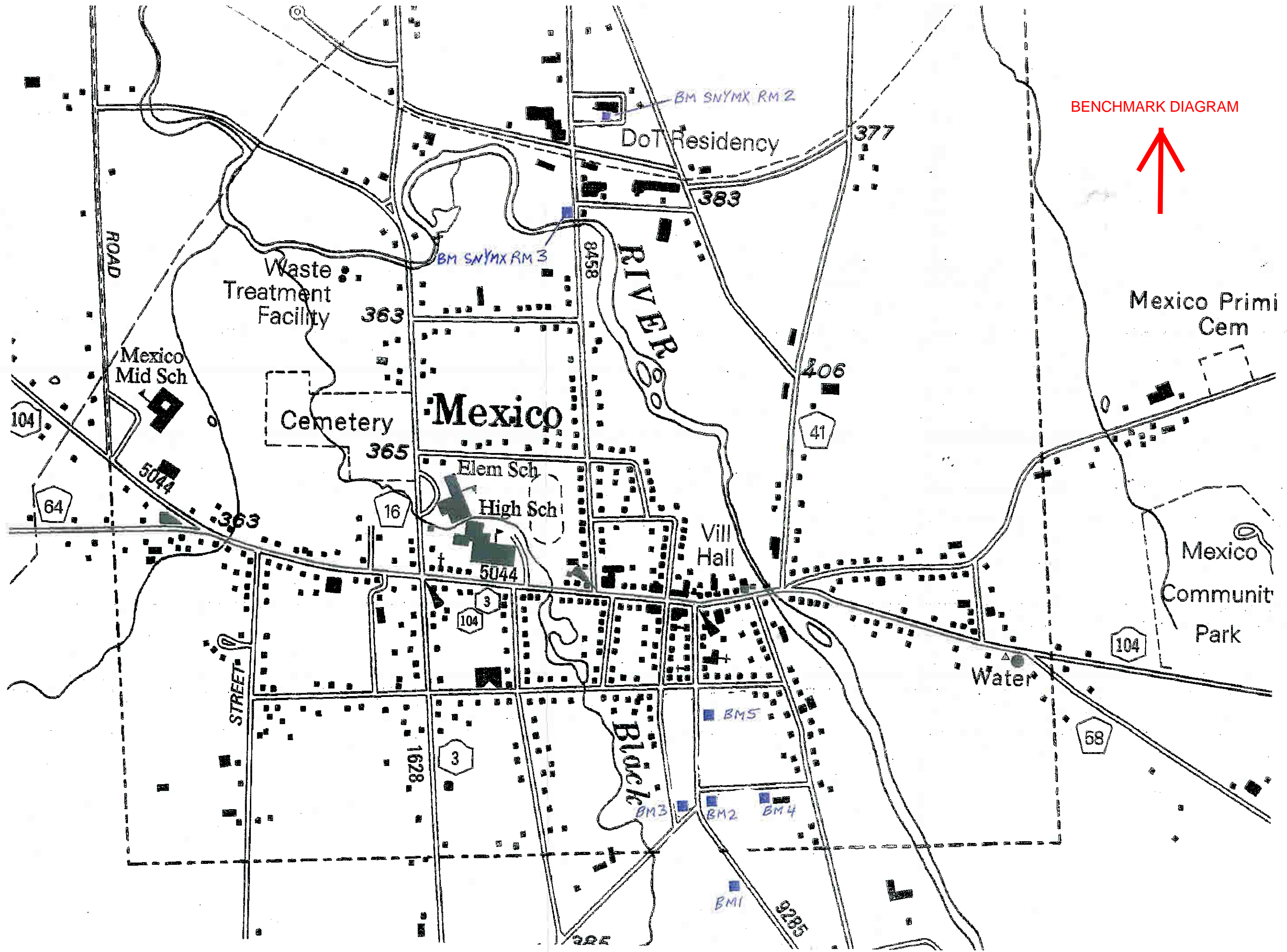
@1400 SNYMX RM 2 NYMX RM 2 2006  
 MEXICO O YUSNY075OSWEGO DB35FOUNDATION CNF  
 NYDT TVGA  
 20060809 P0001N N0008LN432813  
 W0761354 S83 TTO REACH THE STATION FROM THE INTERSECTION OF NEW YORK  
 STATE ROUTE 3 AND NEW YORK  
 STATE ROUTE 104 IN THE TOWN OF MEXICO GO NORTH ON ROUTE 3 FOR 0.7 MILES TO THE  
 THE NEW  
 YORK STATE FACILITY ON THE RIGHT ENTER FACILITY AT NORTH GATE, PROCEED 335 FEET  
 TO THE  
 REAR OF THE MAIN BUILDING TURN RIGHT AND PROCEED 150 FEET, TURN RIGHT AND  
 PROCEED 140  
 FEET TO THE STATION ON THE LEFT. THE STATION IS AN ALUMINUM DISK SET IN THE  
 NORTHWEST  
 CORNER OF A CONCRETE FOUNDATION FOR A FUELING STATION. IT IS 65.8 FEET NORTHEAST  
 OF THE  
 NORTHWEST CORNER OF A METAL BUILDING, 57 FEET SOUTH OF THE SOUTHEAST CORNER  
 OF A  
 BRICK BUILDING, 86.5 FEET SOUTHEAST OF THE SOUTHWEST CORNER OF A BRICK BUILDING  
 AND 58.38  
 FEET SOUTH OF NYMX RM 1 SET ON THE SOUTH FACE OF A BUILDING.

---

@1501 SNYMX RM 1 NYMX RM 1 2006  
 MEXICO O NUSNY075OSWEGO DB00BUILDING DNF  
 NYDT TVGA  
 20060809 GB T0001N N0009LN432813  
 W0761356 S83 TTO REACH THE STATION FROM THE INTERSECTION OF NEW YORK  
 STATE ROUTE 3 AND NEW YORK  
 STATE ROUTE 104 IN THE TOWN OF MEXICO GO NORTH ON ROUTE 3 FOR 0.7 MILES TO THE  
 THE NEW  
 YORK STATE FACILITY ON THE RIGHT ENTER FACILITY AT NORTH GATE, PROCEED 335 FEET  
 TO THE

REAR OF THE MAIN BUILDING TURN RIGHT AND PROCEED 150 FEET, TURN RIGHT AND PROCEED 140 FEET TO THE STATION ON THE RIGHT. THE STATION IS AN ALUMINUM DISK SET VERTICALLY IN THE SOUTH FACE OF A BRICK BUILDING AT THE NEW YORK STATE FACILITY. IT IS 1.95 FEET ABOVE GRADE, 49.4 FEET EAST OF THE SOUTHWEST CORNER OF BRICK BUILDING, 25.5 FEET WEST OF THE SOUTHEAST CORNER OF BRICK BUILDING AND 58.38 FEET NORTH OF NYMX RM 2 SET IN THE NORTHWEST CORNER OF A CONCRETE FOUNDATION FOR FUELING STATION.

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**NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION**  
CONTROL SURVEY DATA  
BASED ON THE  
NEW YORK STATE PLANE COORDINATE SYSTEM  
VALUES IN METERS

PROJECT: 302307  
ORDER OF SURVEY: THIRD  
ZONE: CENTRAL  
CHIEF OF PARTY: KOKOSENSKI  
USGS QUAD: MEXICO  
NYS DOT REGION No. 3, SYRACUSE

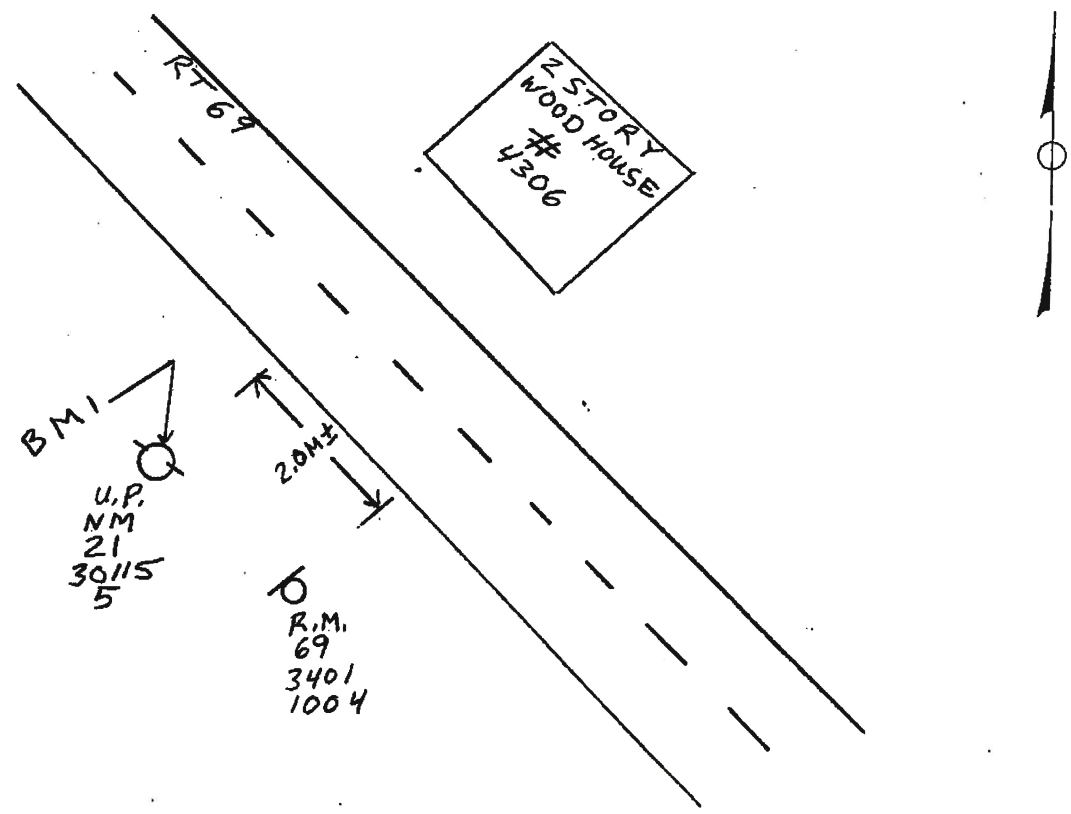
CITY, VILLAGE OR TOWN	COUNTY	S.H. No.	STATION NAME	STATION	MONUMENT TYPE
MEXICO	OSWEGO		BM 1		SPIKE

NORTHING: \_\_\_\_\_ HORIZONTAL DATUM: NAD 83/CORS 96 SURVEYING METHOD  GPS  CONVENTIONAL  
EASTING: \_\_\_\_\_

ELEVATION: 123.958 M VERTICAL DATUM: NAVD 88 SURVEYING METHOD  GPS  CONVENTIONAL

COMBINED FACTOR :	DISTANCES & DIRECTIONS TO BACKSIGHTS AND FORESIGHTS		
GRID SCALE FACTOR :	OBJECT	GRID BEARING	GRID DISTANCE
ELLIP. REDUCTION FACTOR:			
ESTABLISHED BY	YEAR		
NYS DOT	2007		

DETAILED DESCRIPTION AT STATION: BENCHMARK 1 IS A BENCHTIE SPIKE IN A UTILITY POLE AND IS LOCATED ON THE WEST SIDE OF ROUTE 69, 2 MI NORTH OF RM 69/3401/1004.



Closure Report for file C:\Documents and Settings\rkokosenski\Desktop\PIN 3023.07 RT69 AND MUNGER HILL RD VILLAGE OF I

Job No. : 302307L1  
 Benchmark No. : SNYMXRM2  
 Starting BM Elev. : 117.356  
 Ending BM Elev. : 113.325  
 Unadjusted Ending Elev.: 113.327  
 Closure Error : 0.002  
 Length of Level Run : 5,484.440  
 Allowable Error : 0.000  
 Units : Meters

Warning! Closure exceeds allowable tolerances

Adjustment proportional to number of turns

Pt.#	Unadj. Elev.	Adj. Elev.	Description
=====	=====	=====	=====
SNYMXRM2	117.356		
1	115.359	115.359	
2	115.127	115.127	
3	114.574	114.574	
4	113.325	113.324	
5	113.108	113.108	
6	114.111	114.111	
7	114.783	114.783	
8	116.746	116.746	
9	118.391	118.391	
10	118.087	118.087	
11	119.284	119.283	
12	117.982	117.982	
13	118.329	118.329	
14	120.560	120.559	
15	122.273	122.273	
16	123.940	123.939	
17	124.159	124.159	
18	123.694	123.693	
19	121.425	121.424	
20	119.325	119.325	
21	117.332	117.331	
22	115.887	115.887	
23	116.152	116.151	
24	116.839	116.839	BM3 BM3
25	115.126	115.126	
26	114.141	114.140	14 14
27	115.423	115.422	
28	117.828	117.827	
29	120.592	120.591	
30	121.979	121.978	BM2 BM2
31	122.622	122.622	
32	123.954	123.953	10 10
33	124.675	124.674	
34	126.298	126.297	5 5
35	127.177	127.177	
36	127.182	127.181	GPS746 GPS746
37	128.543	128.542	
38	130.472	130.471	
39	130.971	130.970	GPS745 GPS745
40	130.366	130.365	
41	128.142	128.140	
42	127.137	127.135	
43	126.919	126.917	
44	125.750	125.749	
45	123.959	123.958	BM1 BM1
46	123.924	123.922	
47	122.655	122.653	
48	121.320	121.319	15 15

49	124.062	124.060	
50	124.832	124.830	16 16
51	125.379	125.378	BM4 BM4
52	124.585	124.584	
53	121.931	121.930	
54	122.317	122.315	
55	122.431	122.430	20 20
56	123.760	123.759	BM5 BM5
57	124.046	124.044	
58	123.239	123.237	
59	122.594	122.592	
60	124.127	124.125	
61	124.006	124.004	
62	123.312	123.310	
63	121.484	121.482	
64	120.128	120.126	
65	118.278	118.276	
66	117.275	117.273	
67	117.699	117.697	
68	117.720	117.718	
69	118.365	118.363	
70	118.049	118.047	GPS52 GPS52
71	116.482	116.480	
72	114.406	114.405	
73	114.050	114.048	
74	113.135	113.133	
75	113.327	113.325	SNYMXRM3

**OSWEGO COUNTY RECORDS / TOWN  
RECORDS / VILLAGE RECORDS**

1. Oswego County Clerk's Office (315-349-8621)  
No Documentation on ROW width or any  
Contract Plans.
2. Oswego County DPW (315-349-8331) No  
Documentation on ROW width or any Contract  
Plans referred HELS to NYSDOT Region 3.
3. Village of Mexico Clerks Office (315-963-7564)  
No Documentation on ROW width or any  
Contract Plans referred HELS to NYSDOT  
Region 3.
4. Village of Mexico DPW (315-963-3853) No  
Documentation on ROW width or any Contract  
Plans referred HELS to Village Clerk.
5. Town of Mexico Clerks Office (315-963-7633)  
No Documentation on ROW width or any  
Contract Plans.
6. Town of Mexico DPW (315-963-3531) No  
Documentation on ROW width or any Contract  
Plans referred HELS to Town Clerk.



# **DEEDS**

(As shown in Deed Book)

**PROJECT DEED BOOKLET****NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
SURVEY AND MAPPING****NYS DOT REGION 3 TASS  
SURVEY & MAPPING SERVICES  
D#015635, PIN 3023.07.121  
ROUTE 69 AT MUNGER HILL ROAD  
MEXICO-COLO SSE, SH 9285  
VILLAGE OF MEXICO  
OSWEGO COUNTY, NEW YORK STATE****TOWN OF MEXICO  
TAX MAP 134.00**

TAX MAP NUMBER	PROPERTY OWNER(S)	LIBER/PAGE RECORDING DATE
134.00-02-04	Roderick A. Greer and Thomas L. Greer	Instr#: R-2004-006897 Rec.: 05/27/2004
134.00-02-05	Jason D. Wight and Jennifer L. Zeller	Instr#: R-2005-003917 Rec.: 04/05/2005
134.00-02-06	Jason D. Wight and Jennifer L. Zeller	Instr#: R-2005-003917 Rec.: 04/05/2005
134.00-02-07	Frederick W. Schulze and Diana Schulze	Book 1175, Page 302 Rec.: 02/12/1992
134.00-02-08	Michael A. & Dawn M. Kline	Book 1388, Page 161 Rec.: 11/07/1997
134.00-02-09	Kenneth W. Dingman and Stephanie J. Dingman	Instr#: R-2007-002305 Rec.: 02/26/2007
134.00-02-10	Michael A. Kline	Instr#: R-2004-007624 Rec.: 06/10/2004
134.00-02-11	Mark T. Colvin and Jo Elaine Colvin	Instr#: R-2001-003990 Rec.: 04/17/2001
134.00-02-12.1	Rose A. Castle and John H. Castle	Book 662, Page 224 Rec.: 01/22/1963
134.00-02-29	James E. Munger & Mary Jean Munger	Book 735, Page 520 Rec.: 06/24/1977

**PROJECT DEED BOOKLET****NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
SURVEY AND MAPPING****NYSDOT REGION 3 TASS  
SURVEY & MAPPING SERVICES  
D#015635, PIN 3023.07.121  
ROUTE 69 AT MUNGER HILL ROAD  
MEXICO-COLOSSE, SH 9285  
VILLAGE OF MEXICO  
OSWEGO COUNTY, NEW YORK STATE****VILLAGE OF MEXICO  
TAX MAP 134.14**

TAX MAP NUMBER	PROPERTY OWNER(S)	LIBER/PAGE RECORDING DATE
134.14-04-11	Mexico Church Of God/Lighthouse	Book 1407, Page 126 Rec.: 04/16/1998
134.14-04-12	Gary Willis, Nanette Willis and Keith Willis as Trustees of the Mary R. Willis Irrevocable Trust	Instr#: R-2006-006682 Rec.: 06/02/2006
134.14-05-03	Dennis M. Shaw and Amy J. Shaw	Book 1240, Page 194 Rec.: 02/02/1994
134.14-05-04	Eileen R. Yager and Janet Osuchowski	Book 1545, Page 229 Rec.: 12/19/2000
134.14-05-06	Stephen C. Fox	Book 1123, Page 35 Rec.: 07/02/1990
134.14-05-07	Richard P. Fleischmann and Melissa A. Fleischmann	Instr#: R-2004-001550 Rec.: 02/04/2004
134.14-05-09	Michael Beavis and Regina Beavis	Instr#: R-2006-012301 Rec.: 09/25/2006
134.14-05-10	William Bartlett and Kathleen D. Bartlett	Instr#: R-2001-001055 Rec.: 01/25/2001
134.14-05-11	Paul J. Callaghan & Mary Eileen Callaghan	Book 835, Page 574 Rec.: 05/23/1980
134.14-05-12	Richard L. Sherman and Leslie E. Sherman	Book 820, Page 59 Rec.: 08/22/1978
134.14-05-13	Jane M. Loomis	Instr#: R-2001-014991 Rec.: 11/19/2001
134.14-05-14	Charles A. Long and Annabelle H. Long	Book 1119, Page 222 Rec.: 05/22/1990
134.14-05-15	Mexico Church of God/Lighthouse, Inc.	Book 1460, Page 174 Rec.: 05/21/1999
134.14-05-16	Mexico Church of God/Lighthouse	Instr#: R-2003-013276 Rec.: 09/10/2003
134.14-05-17	Cecelia Ray	Instr#: R-2008-009782 Rec.: 08/28/2008

**PROJECT DEED BOOKLET****NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
SURVEY AND MAPPING****NYS DOT REGION 3 TASS  
SURVEY & MAPPING SERVICES  
D#015635, PIN 3023.07.121  
ROUTE 69 AT MUNGER HILL ROAD  
MEXICO-COLOSSE, SH 9285  
VILLAGE OF MEXICO  
OSWEGO COUNTY, NEW YORK STATE****VILLAGE OF MEXICO  
TAX MAP 134.15**

TAX MAP NUMBER	PROPERTY OWNER(S)	LIBER/PAGE RECORDING DATE
134.15-01-01	John Michael Mowry and Mary Ellen Massey	Instr#: R-2004-013111 Rec.: 09/17/2004
134.15-01-18	Raylene I. Spriggs	Book 1114, Page 268 Rec.: 03/30/1990
134.15-01-19	Bryan D. Shaffer	Instr#: R-2005-003538 Rec.: 03/28/2005
134.15-01-20	Jeremy L. Belfield and Laura M. Belfield	Instr#: R-2007-013862 Rec.: 10/18/2007
134.15-01-21	Richard B. Buckley, Jr. and JoAnne M. Buckley	Instr#: R-2002-005468 Rec.: 04/05/2002
134.15-01-22	Stephen W. Yablonski, Jr.	Book 1270, Page 125 Rec.: 12/28/1994
134.15-01-23	Leonard B. Lawton	Book 1396, Page 340 Rec.: 01/15/1998
134.15-01-24	James R. Gaudet and Sharlene L. Gaudet	Book 1509, Page 104 Rec.: 04/19/2000
134.15-01-25	Robert J. Oustrich & Geraldine M. Oustrich	Book 1130, Page 338 Rec.: 09/21/1990
134.15-03-01	James D. Myers and Audrey M. Myers	Instr#: R-2002-006914 Rec.: 05/02/2002
134.15-03-10	Rita J. Phelps	Book 1529, Page 94 Rec.: 09/12/2000
134.15-03-12	Gregg D. Bayne and Roseann M. Bayne	Instr#: R-2002-016324 Rec.: 11/05/2002
134.15-03-12.01	Gregg Bayne & Roseann Bayne	Book 1137, Page 38 Rec.: 11/30/1990



**USE BLACK INK**

**OSWEGO COUNTY CLERK'S OFFICE**

GEORGE J. WILLIAMS - COUNTY CLERK

LIBERO, 1 60 PAGE 174

27

SUBMITTED BY: Russell / Ticon / Ann

TYPE OF DOCUMENT: Warranty Deed

OSWEGO COUNTY CLERK'S OFFICE

Deed 1460 174-178

MAY 21 2 43 PM '99

55499-00431

\*RESERVED  
TIME STAMP ONLY

**PARTIES TO TRANSACTION**

Howard Hadcock

RECORD & RETURN TO  
(Name, Address & Zip Code)

TO

Mexico Church of God/Lighthouse, Inc.

B. A. Russell, Esq.

P.O. Box 503

\*RECEIPT # 278248

Central Square, NY 13036

PLEASE TYPE OR LEGIBLY PRINT INFORMATION

**\* PLEASE NOTE - ALL ASTERISKED ITEMS ARE FOR CLERK'S OFFICE ONLY  
COMPLETE ONLY INFORMATION ON THIS FORM WHICH PERTAINS TO DOCUMENT ATTACHED TO**

**RECORDING FEES**

RECORDING FEE CHARGE ..... \$ 5.00  
 # OF PAGES 3 x 3.00 = ..... \$ 9.00  
 # OF EXTRA NAMES \_\_\_\_\_ x .50 = ..... \$ \_\_\_\_\_  
 # OF REFERENCES \_\_\_\_\_ x .50 = ..... \$ \_\_\_\_\_  
 # OF CROSS REFERENCES \_\_\_\_\_ x .50 = ..... \$ \_\_\_\_\_  
 # OF EXTRA ASST \_\_\_\_\_ x 3.50 = ..... \$ \_\_\_\_\_  
 TOTAL ..... \$ 14.00

\*COVER SHEET IS RECORDED AS PART OF THE DOCUMENT & WILL BE COUNTED AS A PAGE

**MISCELLANEOUS FEES**

LOC GOVT ..... \$ 5.00  
 TP 584 ..... \$ 5.00  
 TP 584.1 ..... \$ 5.00  
 RP 5217 ..... \$ 25.00  
 255 AFFID ..... \$ 5.00

\*AFFID # \_\_\_\_\_

TOTAL ..... \$ 35.00

**DEED TRANSFER TAX**

REVENUE STAMPS \$ \$40.00

TOWN/CITY/VILLAGE Village of Mexico  
(COMPLETE FOR MTGE ALSO)

\*TRANSFER TAX 3543

\*INSTRUMENT # 004732

\*RECEIVED  
\$ 40.00  
REAL ESTATE  
TRANSFER TAX  
OSWEGO COUNTY

TAX MAP  
NUMBER  
# 134.14-05-15.000

GRAND TOTAL FOR

THIS DOCUMENT ..... \$ 89.00

**PAID**

OSWEGO CO. CLERK'S OFFICE  
GEORGE J. WILLIAMS

**MORTGAGE TAX**

\*MORTGAGE SERIAL # \_\_\_\_\_ MORTGAGE AMT. \$ \_\_\_\_\_

TOTAL MTGE. TAX \$ \_\_\_\_\_

**MTGE. TYPES:**

- \_\_\_\_\_ COMMERCIAL
- \_\_\_\_\_ 1-2 FAMILY
- \_\_\_\_\_ CREDIT UNION/INDIVIDUAL
- \_\_\_\_\_ EXEMPT

\*CLERK'S INITIALS [Signature]

\* Taxes imposed on this instrument at time of recording were

George J. Williams  
George J. Williams, Oswego County Clerk

BASE
SPECIAL
CNY
TOTAL

# This Indenture

 made May 13, 1999

**Between**

HOWARD HADCOCK, residing at P.O. Box 986, Mexico,  
New York 13114

party of the first part, and

MEXICO CHURCH OF GOD/LIGHTHOUSE, INC.

P.O. BOX 755  
MEXICO, N.Y. 13114

party of the second part,

**Witnesseth** that the party of the first part, in consideration of

--One and no/100, --

Dollars (\$ 1.00 )

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, all

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Mexico, County of Oswego and State of New York, being part of Lot No. 63 of the 20th Township of Scriba's Patent and described as follows, to wit, being the house and lot on west side of Church Street in Mexico Village and bounded on the east by Church St., on the south by the highway leading from the old brick school house to Henry Munger's place; on the west by South Jefferson Street, and on the north by land formerly owned by Charles D. Stebbins and now owned by the Estate of Earl Taylor.

Said premises are the same premises as more recently described in a survey prepared by Richard J. English, Licensed Land Surveyor, No. 37715, dated July 11, 1988 as follows: Commencing at a point in the centerline of Church Street, also known as NYS Route 69, which point is 57.39 feet northerly as measured along said centerline from the intersection thereof with the centerline of Munger Hill Road; thence South 4 degrees 00' 52" West a distance of 57.39 feet along the centerline of Church Street to the intersection thereof with the centerline of Munger Hill Road; thence South 54 degrees 30' 30" West a distance of 272.60 feet along the centerline of Munger Hill Road to the intersection thereof with the centerline of South Jefferson Street; thence North 1 degree 34' 35" East a distance of 249.47 feet along the centerline of South Jefferson Street to a point thereon; thence South 81 degrees 13' East a distance of 221.70 feet to the point and place of beginning, containing 0.77 of an acre, more or less. Subject to the rights of the public in and to NYS Route 69, Munger Hill Road and South Jefferson Street.

Being the same premises conveyed to Howard Hadcock from Robert R. Murray and Mildred R. Murray, by deed dated July 12, 1988 and recorded in the Oswego County Clerk's Office on July 25, 1988 in Book 1055 of Deeds at Page 177.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

And the party of the first part covenants as follows:

First, That the party of the second part shall quietly enjoy the said premises;

Second, That the party of the first part will forever Warrant the title to said premises.

Third, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

In Presence of

Signature of Howard Hadcock
HOWARD HADCOCK
L.B.
L.B.
L.B.
L.B.

State of New York, County of Oswego

SS.: ACKNOWLEDGMENT RPL309-a (Do not use outside New York State)

On May 13, 1999 before me, the undersigned, personally appeared Howard Hadcock

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

MARGARET L. FENCKE
Notary Public in and for the State of New York
Commission Expires May 4, 2000

Margaret L. Fencke
Notary Public
(signature and office of individual taking acknowledgment)

WARRANTY WITH LIEN COVENANT

TO
Dated,

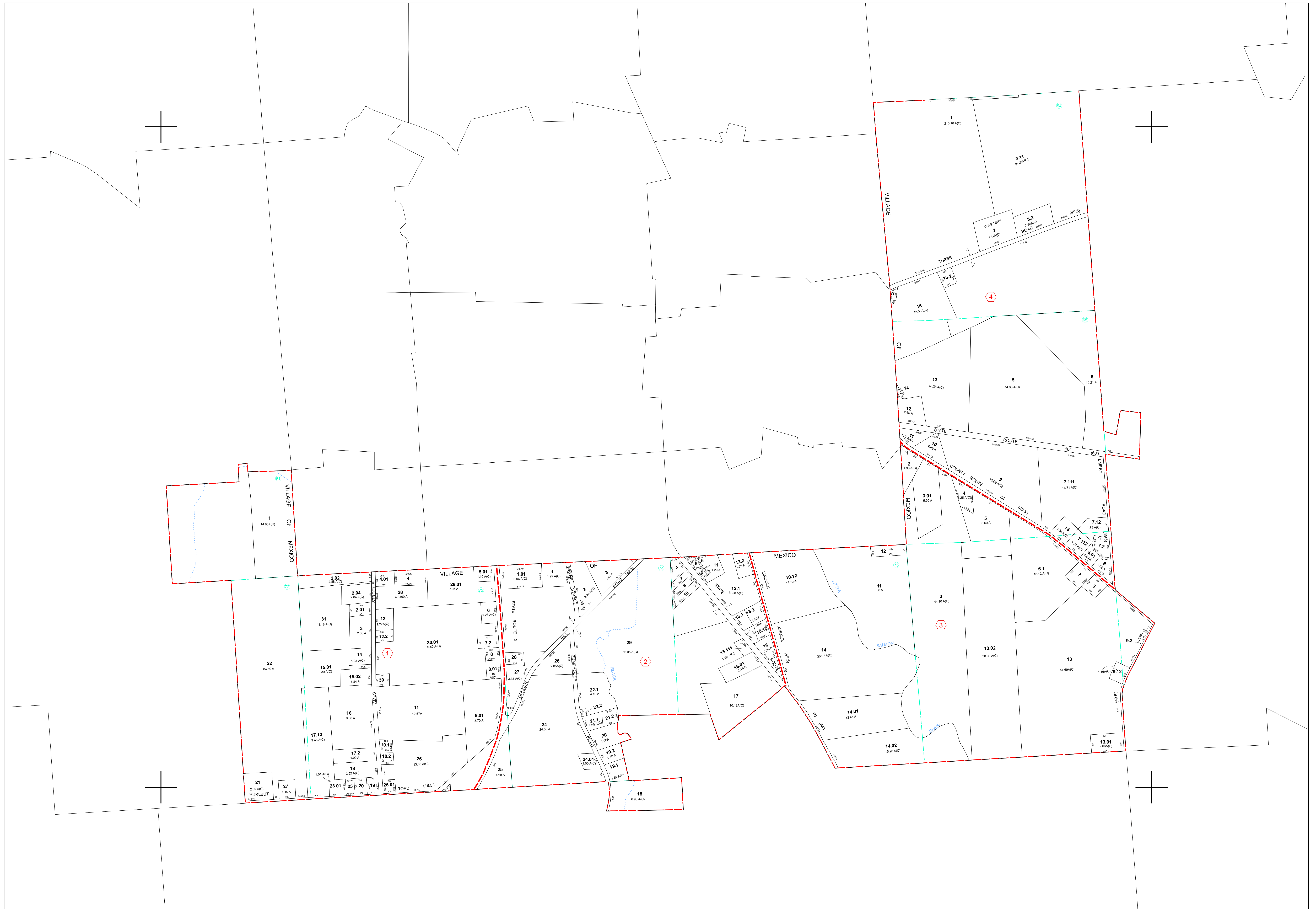
STATE OF NEW YORK
County of

RECORDED ON THE
day of
at o'clock M.
in Liber of Deeds
at Page and examined

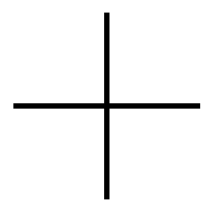
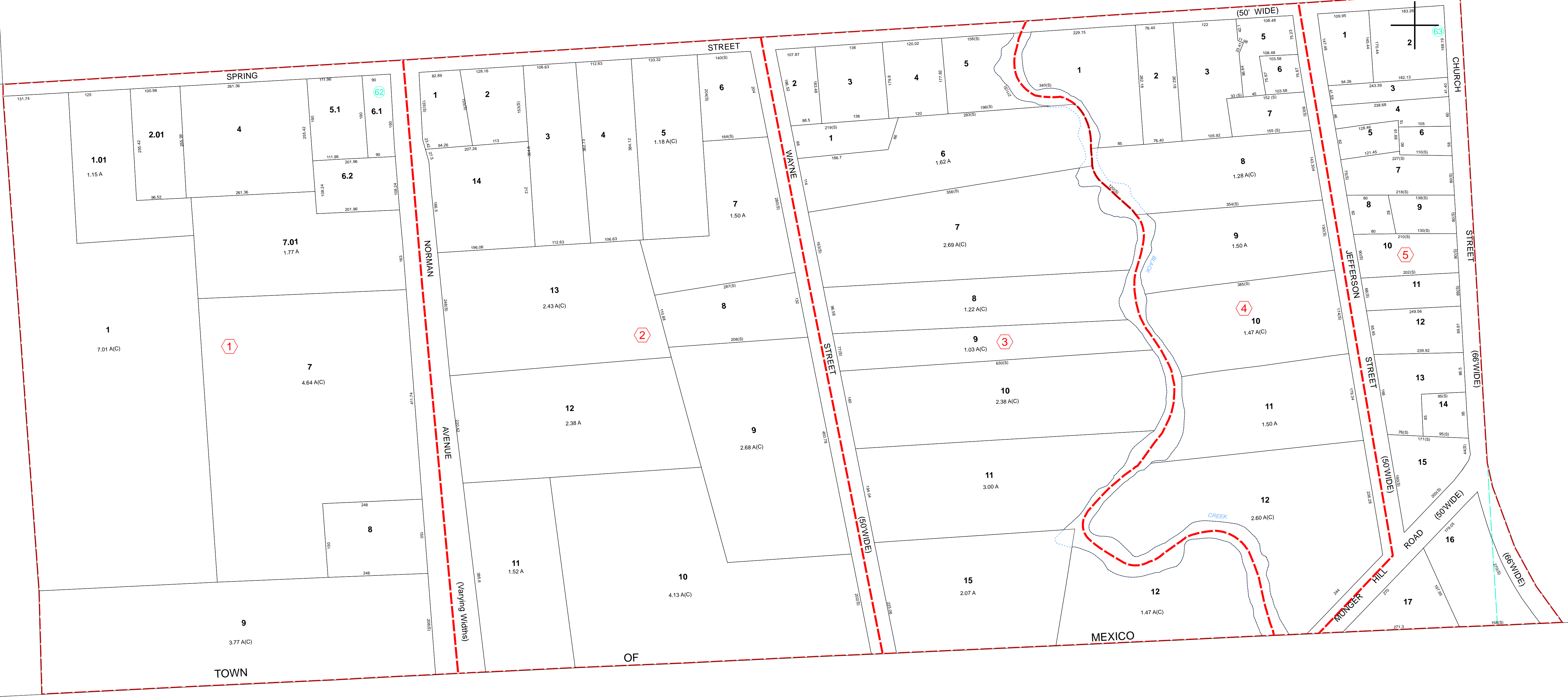
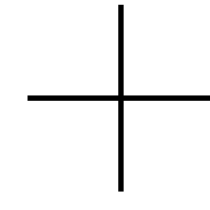
CLERK
PLEASE RECORD AND RETURN TO

TAX MAPS  
OTSEGO COUNY  
NEW YORK  
TOWN OF MEXICO



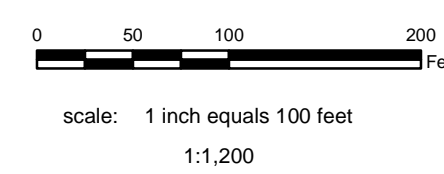


<p>MAP PREPARED BY <b>OSWEGO COUNTY OFFICE OF REAL PROPERTY</b> OSWEGO, NEW YORK</p>	<p>COORDINATES BASED ON NEW YORK STATE PLANE COORDINATE SYSTEM CENTRAL ZONE NAD 83 map updated on: Mar 23, 2009</p>	<p><b>LOCUS MAP</b></p>	<p><b>SPECIAL DISTRICTS</b></p> <p>MEXICO 353401</p>	<p><b>LEGEND</b></p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;">PROPERTY LINE</td> <td style="border: none;">—</td> <td style="border: none;">SCHOOL DISTRICT LINE</td> <td style="border: none;">- - - - -</td> <td style="border: none;">GREAT LOT NUMBER</td> <td style="border: none;">⊕</td> <td style="border: none;">CALCULATED ACREAGE</td> <td style="border: none;">7.50 A (C)</td> </tr> <tr> <td style="border: none;">PUBLIC RIGHT OF WAY</td> <td style="border: none;">=</td> <td style="border: none;">GREAT LOT LINE</td> <td style="border: none;">- - - - -</td> <td style="border: none;">TAX MAP BLOCK NUMBER</td> <td style="border: none;">⊗</td> <td style="border: none;">DEED ACREAGE</td> <td style="border: none;">7.50 A</td> </tr> <tr> <td style="border: none;">BLOCK LIMIT</td> <td style="border: none;">- - - - -</td> <td style="border: none;">HYDROLOGY</td> <td style="border: none;">~ ~ ~ ~ ~</td> <td style="border: none;">SUBDIVISION LOT NUMBER</td> <td style="border: none;">1/4</td> <td style="border: none;">SCALED DIMENSION</td> <td style="border: none;">22.5 (S)</td> </tr> <tr> <td style="border: none;">PRIVATE RIGHT OF WAY</td> <td style="border: none;">- - - - -</td> <td style="border: none;">DENOTES COMMON OWNER</td> <td style="border: none;">7</td> <td style="border: none;">TAX MAP PARCEL NUMBER</td> <td style="border: none;">5</td> <td style="border: none;">DEED DIMENSION</td> <td style="border: none;">150</td> </tr> </table>	PROPERTY LINE	—	SCHOOL DISTRICT LINE	- - - - -	GREAT LOT NUMBER	⊕	CALCULATED ACREAGE	7.50 A (C)	PUBLIC RIGHT OF WAY	=	GREAT LOT LINE	- - - - -	TAX MAP BLOCK NUMBER	⊗	DEED ACREAGE	7.50 A	BLOCK LIMIT	- - - - -	HYDROLOGY	~ ~ ~ ~ ~	SUBDIVISION LOT NUMBER	1/4	SCALED DIMENSION	22.5 (S)	PRIVATE RIGHT OF WAY	- - - - -	DENOTES COMMON OWNER	7	TAX MAP PARCEL NUMBER	5	DEED DIMENSION	150	<table style="width: 100%; border: none;"> <tr> <td style="border: none;">115.00</td> <td style="border: none;">117.00</td> <td style="border: none;">119.00</td> </tr> <tr> <td style="border: none;">121.00</td> <td style="border: none;">123.00</td> <td style="border: none;">125.00</td> </tr> <tr> <td style="border: none;">131.00</td> <td style="border: none;">133.00</td> <td style="border: none;">135.00</td> </tr> <tr> <td style="border: none;">141.00</td> <td style="border: none;">143.00</td> <td style="border: none;">145.00</td> </tr> </table> <p style="text-align: center; font-size: small;">SHEET INDEX</p>	115.00	117.00	119.00	121.00	123.00	125.00	131.00	133.00	135.00	141.00	143.00	145.00	<p style="text-align: right;"><b>TAX MAP 134.00</b></p> <p style="text-align: center;"><b>OSWEGO COUNTY, NEW YORK TOWN OF MEXICO</b></p> <p style="text-align: center; font-size: x-small;">FOR ASSESSMENT PURPOSES ONLY. THIS IS NOT A SURVEY.</p>
PROPERTY LINE	—	SCHOOL DISTRICT LINE	- - - - -	GREAT LOT NUMBER	⊕	CALCULATED ACREAGE	7.50 A (C)																																											
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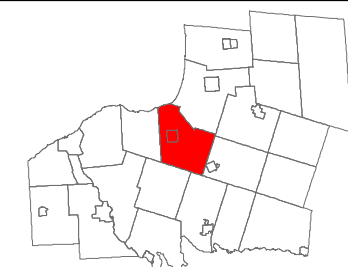


MAP PREPARED BY  
**OSWEGO COUNTY OFFICE  
 OF REAL PROPERTY**  
 OSWEGO, NEW YORK

COORDINATES BASED ON  
 NEW YORK STATE PLANE COORDINATE SYSTEM  
 CENTRAL ZONE NAD 83  
 map updated on: Mar 23, 2009



LOCUS MAP



SPECIAL DISTRICTS

MSCHOOL - MEXICO 353401

PROPERTY LINE  
 PUBLIC RIGHT OF WAY  
 BLOCK LIMIT  
 PRIVATE RIGHT OF WAY  
 TOWN VILLAGE CITY

SCHOOL DISTRICT LINE  
 GREAT LOT LINE  
 HYDROLOGY  
 DENOTES COMMON OWNER

LEGEND

GREAT LOT NUMBER  
 TAX MAP BLOCK NUMBER  
 SUBDIVISION LOT NUMBER  
 TAX MAP PARCEL NUMBER

CALCULATED ACREAGE  
 DEED ACREAGE  
 SCALED DIMENSION  
 DEED DIMENSION

134.09	134.10	134.11
134.13	134.14	134.15
134.20	134.21	134.22

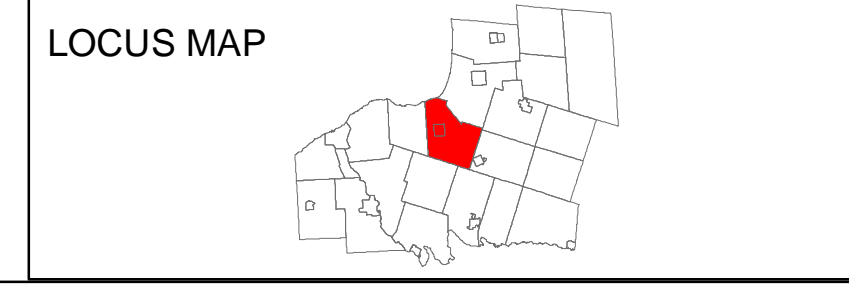
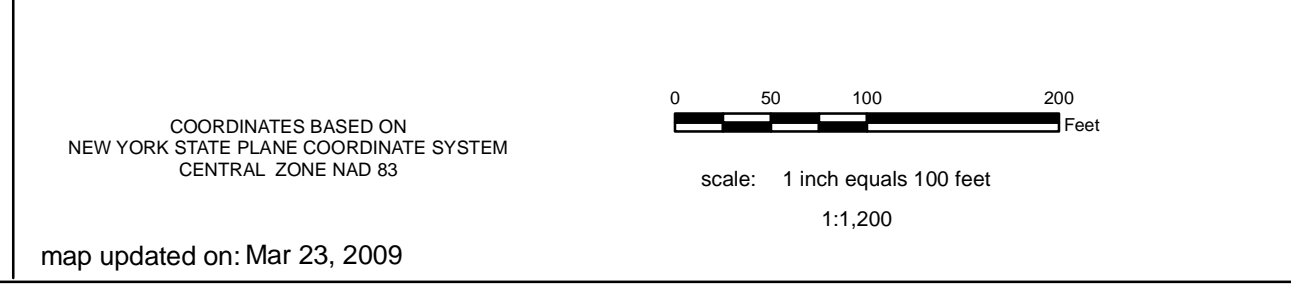
SHEET INDEX



TAX MAP **134.14**  
**OSWEGO COUNTY, NEW YORK**  
**VILLAGE OF MEXICO**  
 FOR ASSESSMENT PURPOSES ONLY. THIS IS NOT A SURVEY.



MAP PREPARED BY  
**OSWEGO COUNTY OFFICE  
 OF REAL PROPERTY**  
 OSWEGO, NEW YORK



**SPECIAL DISTRICTS**

PROPERTY LINE	—
PUBLIC RIGHT OF WAY	—
BLOCK LIMIT	—
PRIVATE RIGHT OF WAY	—
TOWN VILLAGE CITY	—

**LEGEND**

SCHOOL DISTRICT LINE	—
GREAT LOT LINE	—
HYDROLOGY	—
DENOTES COMMON OWNER	—

GREAT LOT NUMBER	①	CALCULATED ACREAGE	7.50 A (C)
TAX MAP BLOCK NUMBER	②	DEED ACREAGE	7.50 A
SUBDIVISION LOT NUMBER	1-4	SCALED DIMENSION	22.5 (S)
TAX MAP PARCEL NUMBER	5	DEED DIMENSION	150

134.00	134.11	134.00
134.14	X	134.00
134.00	134.00	134.00

SHEET INDEX

**TAX MAP 134.15**  
**OSWEGO COUNTY, NEW YORK**  
**VILLAGE OF MEXICO**  
 FOR ASSESSMENT PURPOSES ONLY. THIS IS NOT A SURVEY.

ATLAS MAP

# MEXICO

Scale, 1/2 Inches to the Mile  
1" = 3520'



1813 Public Highway Survey

Town of  
MEXICO  
Road  
History

Oswego Co ✓

Road

History

A Survey of a public highway  
 made by Joseph Linn July 3<sup>d</sup>  
 1813 - Beginning at the Bridgeway  
 Salmon Creek near John Green's  
 sawmill - from thence beginning  
 the following courses and distances  
 till it intersects the road leading from  
 Whitney's sawmill to Whalers on  
 Black Creek

1813  
 (Linn)

Beginning at bridge, Thence S. 41  
 W 5 chains Thence S. 61° W 36 50 Links  
 Thence N 85° W 15 6 50 Links, Thence S  
 69° W 17 6 50 L. Thence N 79 1/2° W 15 6  
 50 L - Thence N 58 1/2° W 56 50 L -  
 Thence 44 1/2° W 6 chains - Thence S  
 55° W 36 50 L Thence N 66° W 36  
 50 L Thence W 29 6 on line of lot  
 N. 910 to stake standing a few rods  
 South of the of N. 10 - Thence N 49 1/2°  
 W 26 6 50 L - Thence N 59 1/2° W 46 6  
 Thence N 43° W 4 6 50 L Thence N 43  
 1/2° W 4 6 50 L - Thence N 13° W 6 6  
 Thence N 45° W 19 6 50 L Thence  
 N 35° W 15 chains - Thence N 35°  
 W 9 chains

Hence N 20° W 9 Chains Hence  
 N 10 W 8 Chs Hence N 8 E 50 Links  
 Hence N 35° W 3 Chains 50 links  
 Hence N 52° W 4 E 50 links Hence  
 N 28° W 2 E 50 - Hence N 48° W 3 Chains  
 Hence N 58½° W 15 Chs Hence N 42°  
 \* W 4 Chs Hence N 15° W 4 Chs -  
 Hence N 8 E 50 links Hence N 28°  
 W 4 E 50 Links Hence N 33 W 9 Chains  
 to stake standing in center of road  
 leading from Whitney's to Black-  
 Creek

David Saml Coons  
 Asa Buntch Highway

copy of the original survey

Elias Brewster

Town Clerk

(D)

**APPENDIX "H"**

**LIST OF LAWS OF NEW YORK STATE, IN CHRONOLOGIC ORDER,  
ESTABLISHING THE WIDTHS OF PUBLIC ROADS  
AND TURNPIKES**



**1813, Chapter 33, March 19 - Act to Regulate Highways**  
all Public Roads to be laid out, **not less than 4 rods**  
all Private Roads shall not be more than 3 rods



1826, Chapter 198, - An act to amend an act entitled " An Act to Regulate Highways"  
That it shall and may be lawful for the Commissioners of  
Highways to lay out public roads to a width of 3 rods or greater,  
but not less than 3 rods in width : PROVIDED, That this section  
shall not extend to those Counties where the Commissioners are  
now authorized by law to lay out roads less than 3 rods wide.



1828, Chapter 18 - OF INCORPORATIONS - TITLE 1 - OF TURNPIKE  
Revised Statutes CORPORATIONS  
Turnpikes shall be laid out not less than 4 rods wide



1828, Chapter 16 - OF HIGHWAYS, BRIDGES, and Ferries  
Revised Statutes Fourth Article: Laying out of Public and Private Roads  
Section 80 - Public Roads to be laid out, not less than 3 rods  
Private Roads to be laid out, not more than 3 rods  
Section 101 - To open all roads to the width of 2 rods at least,  
which they shall judge to have been used as public  
highways for 20 years



# HIGHWAY BOUNDARY DETERMINATION GUIDELINES

by Daniel Streett, PE, LS

These guidelines are provided as Dan Streett's interpretation of determining highway boundaries, right-of-ways, and turnpike boundaries. He developed them during his tenure as Regional Land Surveyor in the Region 1 Office of NYSDOT. They do not represent an official Department of Transportation policy or publication, but are based on various sources of case law, writings and presentations on these subjects, and most importantly, years of experience of many dedicated NYSDOT surveyors.

## "HIGHWAY BOUNDARY DETERMINATION GUIDELINES"

Highway Boundary should be located at whichever of the following is the furthest out from the existing centerline of road:

- a) 1 rod (16.5' or 5.03 M) minimum from the oldest centerline of record. All town roadways in New York prior to 1957 were opened to 2 or more rods wide according to the Laws in force at the time they were opened, and the width set by the town when they were opened. Exceptions to even this minimum width have been found, but generally a 2 rod minimum is appropriate. This requires researching old town meeting records and historical maps of the area to determine what width the roadway was originally laid out as. After 1957, all new town roads were to be opened to a minimum of 3 rods wide, [Hwy Law - Sect. 189]. Since many state and county highways were once town roads, this applies to them also.
- b) A locally recognized highway user width which is utilized by most of the Land Surveyors who have done surveys on the developed parcels along the subject highway. This width is usually, but not always, 3 rods (or 49.5') wide and is centered around the existing centerline. This boundary is determined by comparing the location of property corner markers with deed descriptions or private survey maps and determining their reasonable reliability.
- c) The outer limit of the public's prescriptive easement which includes all traveled ways and shoulders, drainage and bridge structures, public sidewalks, roadside ditches, retaining walls and slope stabilization which support and protect the integrity of the highway. The line that delineates this public

user easement defines what area is necessary for the continued use of the highway by the traveling public (either by vehicle or on foot), as well as what is needed to maintain the existing highway's roadway and appurtenances by the responsible authority. Any user width has to reflect public use for a time period of greater than 10 years, [Highway Law - Sect. 189]. Any modern structures built by private owners upon previously occupied and maintained highway boundary does not constitute ownership and is therefore an encroachment onto the highway boundary. There is no adverse possession against lands held in trust for the traveling public.

Sidewalks are "as much a part of the highway as the traveled wagon-way is, and it is under the care, superintendence and regulation of the same authorities", (case law *People vs Meyer*, 1899) [Highway Law - Sect 2, Note 4]. A sidewalk is by definition [Vehicle & Traffic Law Sect. 144] a part of the street.

- d) The original record plan occupation limits. This information is sometimes sketchy at best, but it represents the best information available on the user width of a highway when it was jurisdictionally transferred to the State, [Ch 115 in Laws of 1898 & Ch. 468 in Laws of 1906], or on a county road when the County originally opened the road as a county highway, [Highway Law - Sect. 115].

## "RIGHT-OF-WAY DETERMINATION GUIDELINES"

Highway Right-of-Way should be determined utilizing the following order of important evidence:

- a) Every attempt should be made to find and accurately locate the original baseline that was used to describe previous acquisitions. The baseline points may be buried under inches of pavement or in some undisturbed wooded areas. These points represent the highest order of accuracy in re-establishing the limits of takings. If the actual points can not be found, but the ties are still in existence, every effort should be made to locate the ties and re-establish the baseline points from the ties.

*continued on page 15*

# HIGHWAY BOUNDARY DETERMINATION GUIDELINES

- b) The second order of evidence that should be located would be any permanent survey markers within the project area which were set from the same baseline from which acquisitions were made. These PSM's can be used to rotate into the coordinate system of the original baseline and thus the ROW limits. These PSM's have to first be checked to determine their reliability prior to holding them for control.
- c) The third order of important evidence would be field located **right-of-way monuments**. The field monuments should be inverted between and compared to theoretical inverses from acquisition maps to determine reliability of their locations. The best fits would be held for small contiguous areas of acquisitions. Clusters of ROW takings separated by areas with no takes or by intersecting roadways should be analyzed on separate ROW coordinate bases, and attempts should not be made to force fit entire project length off a single set of monuments. In some cases, physical structures such as building corners, bridges or walls can also be held in conjunction with ROW monuments to substantiate the appropriate hold points.
- d) The final technique available for re-establishing right-of-way is by overlaying the original mapping over the topographic mapping from the field and determining **hold points** for the "best fit". These hold points may include, but not be limited to: centerlines, bridges or cross culverts, buildings and stone walls. Once hold points are determined, the right-of-way lines should still be computed from the baselines and offsets shown on the taking maps.
- Note: After right-of-way limits are established, keep in mind that highway boundary prescriptive rights may extend beyond the ROW due to public use or maintenance responsibility extending beyond the right-of-way.

continued on page 17

## Nikon DTM-700 Series Field Station with new enhanced software collects, displays and *verifies* data right in the field!

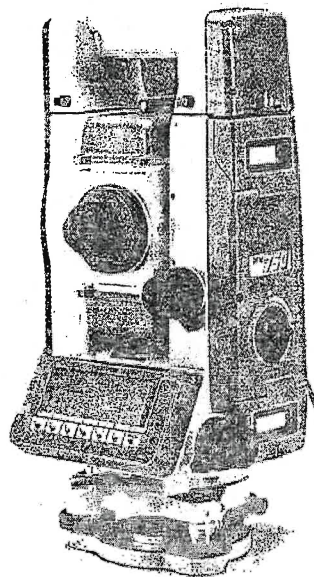
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Exclusive MS-DOS® compatible software lets you perform and verify a full range of calculations. It also facilitates transfer and management of massive volumes of data.

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# Nikon



# HIGHWAY BOUNDARY DETERMINATION GUIDELINES

## "TURNPIKE BOUNDARY DETERMINATION GUIDELINES"

Former Turnpike Boundaries in New York State should be determined utilizing the following proof of evidence:

- a.) Between 1797 and 1847, all turnpikes or plank roads were created by individual acts of the state legislature. Turnpike laws of 1807 & 1827 set up general provisions which would apply for all turnpikes created between 1807 and 1847, but the individual turnpikes were still incorporated by individual acts, [Chapter 38 of 1807 and Chapter 18 of 1827]. All turnpikes after 1847, [Chapter 210 of May 7, 1847], could incorporate without legislated action, but were required to apply to the county Board of Supervisors for authority to construct the road and acquire the necessary real estate.
- b.) Turnpikes constructed before 1848 or after 1890 are a minimum of 4 rods wide, and in a few cases 6 rods wide, (unless stated as less in the statute). Any turnpike constructed between 1848 and 1890 has a minimum width of 4 rods unless specifically stated to be less in the commissioner's survey or in the inspector's report.
- c.) Evidence necessary to show that the turnpike was actually constructed would require some of the following:
  - 1.) **State legislated act** which created a turnpike corporation (<1847). Research in the "Index to the Session Laws" under Turnpikes and Plank Roads. "Articles of Association" filed with the Secretary of State (check "Notices of Incorporation"). Remember, state acts relating to the same turnpike found at a later date than the incorporating act, would be evidence that the corporation existed and implies that the road was constructed.
  - 2.) **County legislation** which created a turnpike corporation (>1847). Research in the county clerk's office or county board of supervisors office for old meeting minutes, or research the "Index to Corporations" in the county clerk's office.
  - 3.) **Newspaper notices** of turnpike corporation formation.
  - 4.) **Centerline survey** to be filed in the county clerk's office (check map index). A few

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<b>1 x 1 x 48"</b> <b>\$8.00</b> <small>25 per bndl.</small>	<b>1 x 2 x 36"</b> <b>\$12.00</b> <small>25 per bndl.</small>
<b>1" x 1"</b> <b>\$.08 LF</b> <small>25 per bndl.</small>	<b>1" x 2"</b> <b>\$.16 LF</b> <small>25 per bndl.</small>
<b>1.5" x 1.5"</b> <b>\$.20 LF</b> <small>25 per bndl.</small>	<b>2" x 2"</b> <b>\$.26 LF</b> <small>25 per bndl.</small>



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- original surveys have been found to represent general locations of roads and were not intended to detail the exact centerline of the turnpike. Some old maps can be found in the archives of the NYS Education Dept.
- 5.) Turnpike statutes authorized corporations to acquire necessary land rights by purchase or condemnation. It is unclear, in many instances, whether turnpikes purchased real estate in fee or purchased easement rights from the owners of record to construct a turnpike or plank road.
  - 6.) In many cases, no one lay claim to the land so the corporation petitioned the county judge, who with the assistance of a jury, determined whether compensation was necessary, (Check for "Inquisitions" in grantor index of county clerk's office).
  - 7.) Some turnpikes were previous Public Roads. These roads had either been acquired from the adjacent owners or they represented user easements over adjacent properties. Any improvements already made to these Public Roads were appraised and paid by the turnpike corporation to the municipality. The turnpike could only acquired the same rights that the Public Road had (fee or easement).

*continued on page 18*

# HIGHWAY BOUNDARY DETERMINATION GUIDELINES

- 8.) Turnpike corporations filed annual financial reports with the State Comptroller prior to 1847, and then with the Secretary of State after 1847.
- 9.) Some turnpike mile markers still exist and /or are shown on old maps (i.e.: Beer's Atlas for example).
- 10.) Old patent maps or atlases show locations of turnpikes and tollgates. Local historians can also be helpful in proving existence of a turnpike.
- 11.) Adjacent owner deeds which refer to the turnpike running along the property. Be wary of occasional referrals to turnpikes in deeds due to local nick names attached to local roads, which may not necessarily reflect the actual route of an original turnpike.
- 12.) The oldest centerline of record can be determined from: original centerline surveys, record plans, old survey maps, old survey notes, field monumentation or topography, and adjacent deed descriptions.

d.) The Courts have held the following presumptions:

- 1.) There is **NO Adverse Possession** against lands held in trust for the people of the State of New York for highway purposes.
- 2.) The presumption that if evidence of the roadway exists today and provided there is proof that the turnpike company existed, then the land to the full width prescribed by law was acquired either in fee or as an easement by the turnpike company. It is further presumed that turnpike corporations fully complied with the procedures outlined in the governing statute, even if all of the pertinent documentation can't be found.
- 3.) Assuming an original centerline survey can not be found, the **oldest field centerline** of record is the centerline of the original turnpike.
- 4.) The **burden of proof** is entirely on the surveyor to determine the termini and width of a turnpike.

March 1997  
D. Streett, PLS

## Let's Have Some Fun!

Come to the 1998 NYSAPLS Conference in Niagara Falls, New York, being held jointly with the Ontario, Canada Land Surveyors. This will be an International Celebration on both sides of the border.

Join your spouse for all the festivities and enjoy all the Auxiliary activities planned, such as a day in Canada with the Canadian ladies (and gents), a day of shopping at the International Factory Outlet Mall, with over 150 famous name outlet stores and lunch at one of Niagara Falls finest restaurants.

OR

Just Relax in the facilities offered by the Niagara Falls Radisson. A luxurious pool with whirlpool and sauna, beauty shop on premises, and a massage therapist will be available by appointment.

Many more exciting things are still to be planned. This promises to be a fun-filled, stimulating time to renew old friendships, make new friends, and share fellowship with our Canadian friends.

DON'T MISS THIS EVENT ...

IT PROMISES TO BE ONE OF THE BEST!

### Tentative Schedule

Wednesday - February 4, 1998

- Walking tour of the Falls, lunch at the Hard Rock Cafe, Walk through the Wintergarden and a visit to Artisans Alley

Thursday - February 5, 1998

- Tour of Canadian attractions with the Ontario ladies - busing provided (including the Butterfly Conservatory)

Friday, February 6, 1998

- Tour of the Aquarium, Castellani Art Museum and the Power Vista - or -
- Shopping at the Factory Outlet Mall
- Auxiliary Luncheon at John's Flaming Hearth - Busing provided

The Falls are always beautiful, but in February the Falls take on a special kind of beauty. If you've never seen the Falls in winter, join us for this spectacular vision!

# L A W S

Exhibit 1

OF THE  
**STATE OF NEW-YORK,**

REVISED AND PASSED

AT THE  
**THIRTY-SIXTH SESSION**

OF THE  
**LEGISLATURE,**

*WITH MARGINAL NOTES AND REFERENCES,*

FURNISHED BY THE REVISORS,

**WILLIAM P. VAN NESS & JOHN WOODWORTH, ESQUIRES,**

*Pursuant to the Act, entitled "An Act for Publishing the Laws of this State," passed April 13th, 1813.*



[PUBLISHED BY AUTHORITY.]

IN TWO VOLUMES.—VOL. II.

ALBANY:

PRINTED AND PUBLISHED BY H. C. SOUTHWICK & Co.

No. 94, State-Street

1813.

Passed March 19, 1813.

[K.&R. v. 1. 588.—Sess. 31. c. 205.—W. v. 5. 66, 386, &c. &c.]

BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of highways in the several towns of this state, except in the city and county of New-York, the counties of Suffolk, Queens, Kings and Richmond, to give directions relative to the repairing of the roads and bridges within the towns for which they are respectively appointed, to regulate the roads already laid out, and to alter such as they or a majority of them shall conceive inconvenient; to cause such of the roads as are not already described and recorded, to be ascertained, described and entered of record in the town-clerk's office, to cause to be kept in repair the highways and bridges erected, or which may be erected over streams intersecting highways, to require the overseers, from time to time, and as often as they shall deem necessary, to warn the people assessed to work highways, to come and work thereon, with such implements, carriages, cattle and sleds, as the said commissioners or any one of them shall direct, and shall have full power and lawful authority under the restrictions herein after mentioned, to lay out, on a final survey, such new roads in the several towns as they may deem necessary and proper, and to discontinue such old roads and highways as shall appear to them on the oaths of twelve freeholders of the same town to have become useless and unnecessary.

And be it further enacted, That the commissioners of the several towns, or the major part of them, shall annually, at least ten days before the annual town-meeting, if they shall judge the same necessary, by writing under their hands, to be lodged with the town-clerk and by him to be entered in the town-book, divide their respective towns into as many road districts as they shall judge convenient, and to assign to each of the said road districts, such of the inhabitants liable to work on highways, as they shall think proper, having regard to proximity of residence, as much as may be.

And be it further enacted, That it shall be the duty of the overseers of highways, to repair and keep in order the highways within the several districts for which they shall be elected, to warn all persons assessed to work on the highways in their respective districts, to come and work when required so to do by the commissioners, or any one of them, to collect all fines and commutation money, and to execute all such orders of the commissioners of the town to which they belong, as shall be given by them in conformity to law; and if any overseer shall be employed more days in executing the several duties enjoined on him by this act than he is assessed to work on the highway, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the monies which may come into his hands for fines in conformity to this act, but shall not be permitted to commute for the days he is assessed.

IV. And be it further enacted, That all freeholders and every free male inhabitant, being above the age of twenty-one years, shall be assessed to work on the public roads and highways, ministers of the gospel and priests of every denomination excepted.

V. And be it further enacted, That the commissioners for each town in the several counties aforesaid, shall meet within eighteen days after they shall be so chosen, at the place of town-meeting, on such day as they shall agree upon, and as often afterwards as need shall be, and at such time and place as they shall think meet; that each of the overseers of the road districts respectively, shall deliver a list subscribed by such overseer, to the clerk of the town for which he is elected or appointed, within sixteen days after the day of election, which list shall contain the names of all the inhabitants in such road district, who are in and by this act made liable to work on the highways; that the said clerk shall deliver such list to the commissioners of the town, who, or a majority of them, shall at their next meeting, or as soon as may be thereafter, affix to the names of each person mentioned in such lists respectively, the number of days which such person shall be liable to work on the highways in the same year, to be determined by the commissioners in proportion to the estate and ability of each person; and the commissioners shall thereupon, after causing the clerk of the town to make a copy of such list, and after the said commissioners, or a majority of them, shall have subscribed the copies of such list; cause the same respectively to be delivered to the overseers of the town who returned the same in the manner herein before mentioned, or their successors in office.

Provided always, That if the name of any person shall be left out of such list, or there shall be an accession of new-inhabitants, such persons whose names are omitted, or shall move into the town, shall from time to time be added to the said list, and the persons be rated by the said commissioners to work on the highways: Provided also, That no person shall be assessed more than thirty days nor less than one day, in one year: And provided further, That the whole number of days assessed in any town, shall be at least three times the number of the persons subject to work on the highways in such town: And further, That not less than one half of the days so assessed, shall be worked out in each road district before the first day of July in every year.

VI. And be it further enacted, That when it shall happen that in any of the counties subject to this act, a greater quantity of work is required to keep in repair the roads than has been rated on the inhabitants of any of the road districts in any town by the commissioners at their annual meeting agreeable to this act, then and in such case it shall be lawful for the overseers of roads in each district, and they are hereby required to make out another assessment in the same proportion as near as may be, not to exceed one third of the number of days assessed before in the same year.

VII. And be it further enacted, That if any overseer of the highways shall require any team, cart, waggon or plough, with a pair of horses or oxen, and a man to manage the same, from any person so assessed as aforesaid, and having the same, and who shall not commute for the days he may be assessed, the person

Persons liable to be assessed. K. & R. v. 1. 490 § 5 Persons exempt.

Further duty of commissioners of highways. K. & R. v. 1. 490 § 7

Duty of overseers of highways as to lists, &c. 1 John. Rep. 314, 315

Proviso, as to names omitted.

Further proviso. Further proviso.

Further proviso.

When a re-assessment can be made. K. & R. v. 1. 226

Teams, &c. how to be estimated. K. & R. v. 1. 571 § 10

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furnishing the same, when warned so to do by any overseer, shall be entitled to a credit of three days work for one man, and the fine for neglect or refusal shall be proportionable, that is to say, three times the fine to be imposed for the neglect of one person for one day.

VIII. *And be it further enacted,* That every person subject by this act to work on the highways, other than an overseer of the highways, and who shall be assessed in manner aforesaid, shall work the whole number of days he shall be so assessed, or commute for the same at and after the rate of sixty-two and an half cents for each day, which money shall be paid to the overseer of the highways of the district in which the person paying the same shall reside, to be by the said overseer applied and expended in the improvement of the roads and bridges in the same district.

IX. *And be it further enacted,* That it shall be the duty of the overseers of highways, to give at least twenty-four hours notice to all persons assessed to work on the highway, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose; and if any person so assessed and duly notified as aforesaid, shall neglect or refuse to appear in person or by an able bodied man as a substitute, or to bring with him such implements, carriages or cattle as required, or shall remain idle or not work faithfully, or hinder others from working, or neglect or refuse to pay the commutation money in lieu of such attendance, such offender shall, for every such offence, forfeit the sum of one dollar; and it shall be the duty of such overseer, and he is hereby required, within six days thereafter, in every case in which he shall deem the excuse for such neglect or refusal insufficient, to make complaint thereof in writing, under his hand, to one of the justices of the peace of the town for which he shall be elected, if any there be, and if there be no justice of the peace in such town, then to the next justice of the adjoining town, and the justice to whom such complaint shall be made, shall forthwith issue a warrant, under his hand and seal, directed to any constable of the ward or town where such delinquent shall reside, commanding him to levy such fine on the goods and chattels of such offender, and the justice shall be entitled to receive twenty-five cents for issuing such warrant, and the constable, the like fees as are allowed for the like services by the act, entitled "an act for the recovery of debts to the value of twenty-five dollars," and shall forthwith pay the same fines to the justice who issued the said warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer: *Provided,* That no such warrant shall be issued until the party so offending shall have been duly summoned forthwith to appear before the said justice to shew cause why the said fine should not be imposed, and provided that the whole of the costs shall not exceed the sum of three dollars: *And provided also,* That no excuse for refusal or neglect, on any occasion, shall exempt the person excused from working the whole number of days he may be assessed, or paying the commutation in lieu of it during the

year for which he shall be assessed, and that no person shall be required to work on any highway, other than in the said district in which such person resides.

X. *And be it further enacted,* That it shall and may be lawful for the commissioners of highways, in the several towns adjoining any neighboring state or province, and they are hereby required, to assess upon all such farms or parts of farms, as lie within the jurisdictional limits of this state, although occupied and possessed by persons residing without the same, a due and equitable proportion of highway work, according to the rules prescribed in and by this act, of which assessments respectively, notice shall be given in writing, subscribed by the overseers of the road district in which such farm or part of a farm shall lie, and delivered to such occupant or possessor, or left at his or her dwelling house; and if any of the said occupants or possessors shall, after three days notice as aforesaid, refuse or neglect to work or commute for the said assessment, in like manner as the inhabitants of the several towns in this state are by this act required to do, then it shall be lawful for any justice of the peace of any county in this state, on the complaint of any of the said overseers of highways, that any person or persons assessed in his road district, residing without the limits of this state, and within the purview of this act, shall have refused to work or commute, after being notified as aforesaid, to issue his warrant under his hand and seal, directed to any constable of the town where such lands shall lie, commanding him to levy the fine prescribed by this act, for such cases of refusal or neglect, on the goods and chattels of such delinquent, and the justice and constable shall be entitled to the same fees as are allowed for like services by the preceding section of this act, and the said fine, when collected, shall be paid and applied in the manner thereby directed.

XI. *And be it further enacted,* That it shall and may be lawful for the commissioners of highways in every town in this state, whenever they shall think it necessary or useful, to direct and empower any overseer of highways in their respective towns, to procure a good and sufficient iron or steel shod scraper, for the use of his road district, to be paid for by the monies arising from commutations and fines within such district; and in case such monies should be insufficient for the purpose, such deficiency shall, by the said overseers, be assessed upon the inhabitants of the said district, in the proportion they are respectively assessed to work on the said road; and if any one so assessed, shall neglect or refuse to pay such assessment, the same may be sued for and recovered by the said overseer, with costs of suit, before any justice of the peace of the same county.

XII. *And be it further enacted,* That every person assessed to work on the highways, and who shall be warned to work, and shall appear in person, or by an able bodied man, as a substitute, shall actually work eight hours in each day, and shall be liable to be fined in the sum of twelve and an half cents for every hour such person or substitute shall be in default, to be recovered and expended in like manner as the penalty for refusing or neglecting

Assessments, how collected from persons resident out of the state. Sess. 33. ch. 143. § 2

Commissioners may direct a scraper for a road district to be procured. W. v. s. 67 Sess. 30, ch. 80, sec. 3

Penalty for not working on the highways. K&R. v. 1 592, sec. 12

Bill of Comm. on Highways. K&R. v. 1 591

Penalty on persons refusing to work or commute for being idle. K&R. v. 1 591

How levied. 3 John. Rep. 474—5th 220

Proviso

Further provision

to work when warned, is by this act directed to be recovered and expended.

XIII. *And be it further enacted,* That each overseer of the highways to be chosen or appointed hereafter, shall on the second Tuesday next preceding the time of holding the annual town-meeting in such town, within the year for which he is elected or appointed, render an account in writing to the commissioners of the town, or any two of them, who shall meet together on that day, for the purpose of receiving such return, of all persons assessed to work on the highways in the district of which he is overseer, of all those who have actually worked on the road, or highways, with the number of days they have so worked, of all those who have been fined, and the sums in which they have been fined, of all those who have commuted, of the manner in which the monies arising from fines and commutation have been expended, and shall pay to the commissioners all monies remaining in his hands unexpended, to be applied in making and improving the roads and bridges in said town, in such manner as they shall direct; and if any overseer shall neglect or refuse to render such account, or, having rendered such account, shall refuse or neglect to pay any balance which may then be payable by him, he shall forfeit the sum of five dollars, which said penalty and balance so unpaid shall be recovered by the said commissioners, or the survivors or survivor of them, in their or his name, by action of debt, in any court having cognizance thereof, with costs of suit; and the forfeiture so recovered shall, by the said commissioners, or such survivors or survivor of them, be applied in making and improving the roads and bridges in such town.

XIV. *And be it further enacted,* That every overseer of highways who shall neglect or refuse to warn the people assessed to work on the highways, to come to work with such implements, carriages and cattle as may be necessary, when required so to do by the commissioners or either of them, or to collect the monies that may arise from fines or commutation, or to perform any of the duties and services required by this act, or which may be enjoined on him by the commissioners of the town of which he is elected, or a majority of them, shall forfeit for every such neglect or refusal, the sum of ten dollars, to be recovered by any one of the commissioners of the same town, in his own name, before any justice of the peace in the same county, with costs of suit, to be reported, paid, and employed, in the same manner as the monies to be paid into the hands of the commissioners by the preceding section of this act are directed to be reported, paid and employed; and if any vacancy of overseers shall happen, by death or otherwise, the commissioners of the town in which such vacancy shall happen, shall appoint other or others in his or their stead; and the overseer or overseers, so appointed, shall have the same power, be subject to the same orders, and liable to the same fines, forfeitures and penalties, as overseers, chosen by this act, are liable and subject to.

XV. *And be it further enacted,* That the overseers of highways of the different towns within this state, shall once in every month, after they are elected, from the first day of April until the first

day of December, cause all the loose stones lying on the beaten track of the road, within their respective districts, to be removed, and cause the monuments erected, or to be erected, as the boundaries of highways, to be kept up and renewed, so that the extent of such roads may be publicly known.

XVI. *And be it further enacted,* That it shall not be lawful for any commissioners of highways to lay out any road through improved or cultivated land, without the consent of the occupant or owner thereof, unless upon the application of twelve reputable freeholders of the town in which such road shall be laid out, certifying upon oath, that such road is necessary and proper; nor through any orchard or garden without the consent of the owner or owners thereof, if such orchard shall be of the growth of at least four years, or such garden shall have been cultivated as such at least four years before such highway or road shall be laid out; and if any road shall be laid out through enclosed or improved lands, the owner or owners thereof shall be paid such damages as such owner or owners may sustain by reason thereof; which damages shall be determined and assessed by two justices of the peace, and by the oath of twelve reputable freeholders, not having an interest in the land so to be laid out into a road or highway, or by three commissioners to be appointed by a judge of the court of common pleas of the county in which such land may be situated, whose duty it shall be to appoint the same, when thereunto required; and if the said occupant of the land so included in any public highway or private road, shall elect to have his damages assessed by two justices of the peace and a jury as aforesaid, the said freeholders shall be summoned by virtue of a warrant to be issued by the said two justices, to some constable of the town or county in which such road or highway shall be laid out as aforesaid, who shall neither be interested in the land through which the said road is laid out, nor in any wise akin to the owners thereof; and when any road within any town shall be laid out at the request of twelve reputable freeholders of said town, as a common public highway, the whole of the said damages, together with the charges of the commissioners, justices and freeholders, and summoning the jury, shall be presented to the board of supervisors of the county, who shall cause the same to be raised, levied and collected in said town, in the same manner as the other town charges are by law directed to be raised, levied and collected, and order the same to be paid to the commissioners of the said town, who shall pay the owner the sum assessed to him, and appropriate the residue to satisfy the costs.

XVII. *And be it further enacted,* That where any road shall run through the lands of any person, or along the boundaries thereof, in whole or in part, and the same shall become unnecessary, or be discontinued by reason of some other road to be established and laid out by virtue of this act through the lands of the same person, the jurors or commissioners making the assessment shall take into calculation the value of such road so discontinued or become unnecessary, and the benefit resulting to such person by reason of such discontinuance, and make deduction from

Overseers to account yearly to the commissioners.  
K.R.R. v. 1  
593, sec. 14  
Act of April 3, 1811.

And pay over the balance in their hands.

Penalty

Penalty on overseers for neglect of duty.  
K.R.R. v. 1  
593, sec. 14

How recovered and applied

Commissioners to fill vacancies, etc.

Overseers to remove loose stones from the roads and

erect monuments, etc.

Roads through improved or cultivated land, how to be laid out, etc.  
K.R.R. v. 1  
593, 594, § 15  
Act of April 3, 1811.

Damages how ascertained and paid.

In case former roads are discontinued, on new roads being laid out, owner to be paid for the new road, after deducting the value to him of the former road.



the amount of such assessment accordingly, and the balance and no more shall be the sum to be assessed and paid for the opening and laying out such new road ; and thereupon it shall be lawful for the owner of the land to enclose so much of the road so discontinued or become unnecessary, as shall run through his land along the boundaries thereof.

Commissioners of different towns may meet and settle differences as to boundaries both towns. K and R. v. 1. 259. sec 4

XVIII. *And be it further enacted,* That when the commissioners of any town shall disagree with the commissioners of any other town, in the same county, relating to the laying out of a new road, or the alteration of an old road, extending into both towns; or when the commissioners of a town in one county shall disagree with the commissioners of a town in another county, relative to laying out a new road, or altering an old road, which shall extend into both counties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioners, and make their determination upon such subject of disagreement.

Duty of commissioners as to roads laid on the line between two towns. V. v. 5. 65. Sec 30. c. 69. sec 1

XIX. *And be it further enacted,* That whenever it shall become necessary to have a highway upon the line between two towns, such highway shall be laid out by two or more of the commissioners of highways of each of the said towns, so that such line shall be the centre or middle thereof; and it shall be the duty of the same commissioners, when they lay out such highway, to divide into two road districts, in such manner that the labor and expense of opening, working and keeping in repair, the road through each of the said districts, may be equal, as near as may be, and to allot one of the said districts to each of the said towns, which shall be considered as wholly belonging to the town to which it shall be so allotted for the purpose of opening and improving the said road, and for keeping it in repair; and the commissioners shall cause the said highway, and the said partition and allotment thereof to be recorded in the office of the town clerk in each of the respective towns; and all highways heretofore laid out upon the line between any two towns, shall be divided, allotted, recorded, and kept in repair in the manner above directed.

How kept in repair.

XX. *And be it further enacted,* That upon application to the commissioners of any town for a private road, the commissioners of the town in which such road is desired, shall cause the overseer of highways of the district, to summon twelve freeholders of the same town, to meet on a day certain, of which day notice shall be given by the overseer to the owner or occupant, and being so met they shall view the lands through which such road is applied for; and if they shall certify under oath that such road is necessary, the commissioners shall lay out the same, and cause a record thereof to be made in the town clerk's office, and shall cause the damage to be assessed in like manner as if the same was a public highway, which shall be paid by the person or persons applying for such road; and such road when so laid out, shall be for the use of such applicant or applicants, his or their heirs and assigns; but not to be converted to any other use or purpose than that of a road: *Provided always,* That the occupant or owner of the land through which such road shall be laid out, shall not be prevented making use thereof as a road, if he shall signify his intention of

Private roads how laid out and damages assessed, etc. K and R. v. 1. 294. sec 16. V. v. 3. 43

Encroach

making use of the same, at the time when the jury or commissioners are to ascertain the damages sustained by laying out such road.

XXI. *And be it further enacted,* That it shall be lawful for the commissioners of highways of any of the towns in this state, and they are hereby directed to allow such persons as live on private roads, so much of their assessment on the highway as they may deem necessary to work such private road, or annex such private road to some of the highway districts. Persons living on private roads allowed to work the same as their portion of road duty

XXII. *And be it further enacted,* That all public roads to be laid out by the commissioners of any town, shall not be less than four rods wide, and all private roads shall not be more than three rods wide. Width of roads. K. R. v. 1. 295. sec 17

XXIII. *And be it further enacted,* That if any public highway, already laid out, or hereafter to be laid out, shall not be opened and worked within six years after the passing of this act, or from the time of its being so laid out, the same shall cease to be a public highway or road for any use, intent or purpose whatsoever. Roads to cease if not worked in six years

XXIV. *And be it further enacted,* That all public highways heretofore laid out and allowed by any law of this state, and now in use within the counties subject to this act, and of which a record shall have been made in the office of the clerk of the county or town, shall be taken and deemed as public highways, and continue such, unless altered in conformity to the provisions contained in this act: *Provided always,* That where any roads have been used as public highways, for twenty years or more, next preceding the twenty-first day of March, one thousand seven hundred and ninety-seven, the same shall be taken and deemed as public highways, although no record thereof has been made, unless they shall be altered in manner aforesaid; and that it shall be the duty of the commissioners to order the overseers of highways to open all roads to the width of two rods at least, which they shall judge to have been used as public highways for twenty years preceding the said twenty first day of March, one thousand seven hundred and ninety-seven. Former recorded highways confirmed

XXV. *And be it further enacted,* That if any person within any of the said towns shall hereafter obstruct any highway or road, or shall fill up or place any obstruction in any ditch constructed for draining the water from any road, such person so offending, shall forfeit for every such offence, the sum of five dollars, to be recovered with costs of suit, in the name of any person who shall make complaint thereof, before any justice of the peace of the county where the offence shall happen, upon the oath of one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of the offender, by warrant from the justice, to be directed to any constable of the town where such offender shall reside; and the said constable is hereby required to pay such penalty into the hands of the commissioners of highways for the town in which the offence was committed, to be by them applied in improving the public roads and bridges in said town. Proviso, where not recorded but used 20 years before a certain time 2 John. Rep 537 7 John. Rep 106

XXVI. *And be it further enacted,* That in every case where a highway has been laid out, and the same hath been encroached upon, the justice of the peace of the county where the same shall be so encroached upon, shall cause the same to be restored to its original width, and shall cause the damages sustained by the encroachment to be assessed, and the same to be paid by the person or persons who shall be found to have committed the same. Penalty for obstructing highways. K and R. v. 1. 294. sec 19 3 Caines's Rep. 329 1 John. Rep 510 3 John. Rep 418 6 John. Rep 349, 365 How collected

XXVII. *And be it further enacted,* That in every case where a highway has been laid out, and the same hath been encroached upon, the justice of the peace of the county where the same shall be so encroached upon, shall cause the same to be restored to its original width, and shall cause the damages sustained by the encroachment to be assessed, and the same to be paid by the person or persons who shall be found to have committed the same. Penalty for not removing encroach-

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ments on highways. K. & R. v. 1. 596, sec. 20

Proviso. Encroachments, if disputed, how settled. 8 John. Rep. 321. 9 John. Rep. 309.

Further proviso.

Penalty for falling trees into the highways, and not removing them. K. & R. v. 1. 596, sec. 21

or on another's land, in case they fall into the highway.

Or into certain creeks and streams, vide

upon by any present or former occupant, of the land through or by which such highway runs, the commissioners of the town shall, if in their opinion it be deemed necessary, order the fences to be removed, so that such highway may be of the breadth originally intended; and if such removal shall not be made in sixty days after such notice given, the occupant to whom the notice shall be given, shall forfeit and pay the sum of fifty cents for every day that such fences shall continue unremoved, after the expiration of the said sixty days aforesaid, to be recovered in like manner as penalties are directed to be recovered in the next preceding section of this act; *Provided nevertheless*, That in case of denial of such encroachment by any occupant, the commissioners shall apply to any justice of the peace of the county for a precept, directed to an overseer of highways of the same town, to summon twelve freeholders thereof, to meet on a certain day, of which day notice shall be given by the overseer to one of the commissioners, and also to the occupant, on which day the jury so summoned, after being duly sworn, shall inquire whether any encroachment hath been made, and by whom, and if they find that such encroachment hath been made, they shall certify the same and by whom, and if made by the then occupant, or any former occupant, the then occupant shall remove his fences within sixty days thereafter, under the penalty aforesaid, and shall pay all the costs attendant on such inquiry, to be recovered by any one of the commissioners, before any justice of the peace of the county; but if they shall find that no encroachment hath been made, they shall so certify and ascertain the damages the then occupant hath sustained by such suit, which together with costs of suit shall be paid by the commissioner or commissioners out of any monies in his or their hands, appropriated to the making and repairing highways: *Provided*, That no person shall be obliged to remove any fence, except between the first day of April and the first day of November in any year.

XXVII. *And be it further enacted*, That if any tree or trees upon any enclosed land, which hereafter shall fall or be fallen by any person, his agent or servant into any highway, or into any river now used as an highway, and shall not be removed, but continue in such highway or river, for the space of two days after notice given thereof by any person, the person or persons occupying the farm or lot from which such tree or trees shall be fallen, shall forfeit the sum of fifty cents for every tree which shall be so fallen, or suffered to remain in such highway or river, until the third day, and a like sum for every day thereafter, until the same shall be removed, to be recovered and applied in the same manner as penalties for obstructing roads are directed to be recovered and applied: and in case any person shall cut down any tree or trees on land not occupied by him, so that they fall into any highway or river as aforesaid, unless by the order and consent of the occupant, the person so offending shall forfeit to such occupant the sum of one dollar for every tree so fallen, and the like sum for every day the same shall remain therein, to be recovered as aforesaid with costs: *And further*, That if any person shall cut, or cause to be cut down, any tree, so that the same

shall fall into the Schohariekill or Catskill, West Canada Creek, or Black Creek, in the town of Watervliet, in the county of Albany, or Wood Creek in the county of Oneida, and shall not remove the same out of such kill or creek, within twenty-four days thereafter, he shall forfeit and pay for every tree so cut down and left remaining, five dollars; the one half for the use of any person who will sue for the same, and the other half to be paid to the commissioners of highways of the town wherein the offence shall be committed, to be applied to the repairs of the highways of such town, and to be recovered before any justice of the peace, with costs of suit.

the act "declaring certain waters to be highways, etc." in this volume, where this part of the subject is more fully disposed of.

XXVIII. *And be it further enacted*, That all trees standing or lying on any land over which any public highways shall be laid out, shall be for the proper use of the owner or occupant of such land, except such of them as may be requisite to make or repair the highways or bridges on the same land.

Trees on the road to belong to the owner of the soil K. & R. v. 1. 597, sec. 22

XXIX. *And be it further enacted*, That it shall and may be lawful for every person owning lands adjoining public highways, which shall not be less than three rods wide, to plant trees on the side or sides of such highways contiguous to his said land; which trees shall be set in regular rows, at a distance of at least six feet from each other, and if any person or persons whatsoever shall cut down, injure, or destroy trees so planted and set out as aforesaid, or that have been heretofore so planted, set out, or standing as aforesaid, he or they shall be liable to an action of trespass, at the suit of the party owning the land contiguous to such trees, any law, usage, or custom to the contrary notwithstanding.

Trees allowed to be planted along certain roads

Penalty for destroying them, etc.

XXX. *And be it further enacted*, That no swinging or other gates, shall be allowed on any public highway laid out by virtue of this act, or which has heretofore been laid out, other than such public highways as run through lands liable to be overflowed by the waters of the adjacent rivers or streams, in such manner as to remove the fences thereon, and that all such gates shall be erected and kept in good repair by the overseers of the highway of the town, at the proper costs and charges of the occupant of the land for whose benefit the same shall be erected; and if more than one gate shall be erected, and the intermediate land between the gates at the extremities of such lands, shall be in the occupation of more than one person benefitted by such gates, the whole charge of erecting and keeping the same in repair, shall be borne by all the occupants benefitted thereby, in proportion to the extent of land each occupies adjoining the highway between the gates at the extremity aforesaid; and in case of the neglect or refusal of any occupant to pay his proportion, the same shall be levied with costs of suit, in like manner as fines are by this act directed to be levied, for refusing or neglecting to work on the highways, of all which gates an account shall be filed by the commissioners in the town clerk's office, and if any person shall open any such gate, and shall not immediately after having passed the same, close it, or shall wilfully and unnecessarily ride over any of the grounds adjoining such road, on which such gates shall be permitted, to the damage of the occupant or occupants thereof, each offender

Swinging gates over highways prohibited, except in certain cases. K. & R. v. 1. 597, sec. 23

Expense of such gates how defrayed.

Penalty for neglect.

Penalty for leaving gates open.

shall forfeit for every such offence, the sum of one dollar, to be recovered by any one of the commissioners of the same town, in the manner prescribed by this act for recovering fines for neglect or refusal to work on the highways: *Provided*, That such penalty shall not be deemed a satisfaction for such damage, but the occupant or occupants of such grounds shall be entitled to an action for the recovery of damages, the payment of such penalty notwithstanding: *And provided further*, That swinging or other gates allowed by law, prior to the twenty-first day of March, one thousand seven hundred and ninety-seven, on public highways or private roads in the county of Westchester, are hereby permitted, at the discretion of the commissioners of highways of the town in which the same are, the said gates being kept in good repair by the owner or owners thereof.

Proviso.

Further proviso.

Commissioners to assess annually the supervisors, etc. K.R. v. 1.599.

XXXI. *And be it further enacted*, That the commissioners of highways in each of their respective towns, shall render to the supervisor, town clerk and justices of the peace, or a majority of them, at their annual meeting for auditing the accounts of the overseers of the poor of their respective towns, an account of the labor assessed and performed, and of the sums by them received for fines and commutation, and all other monies received under this act, and the improvements which have been made on the roads and bridges in their respective towns during the year immediately preceding such report, together with an account of the state of such roads and bridges, with a statement of the improvements necessary to be made thereon, and an estimate of the probable expense of making such improvements, beyond what the labor to be assessed in that year will accomplish; and said supervisor, town clerk and justices, at their meeting as aforesaid, shall examine said account, and make out a certificate containing the substance thereof, and deliver the same certificate to the town clerk of such town, to be by him kept on file for the inspection of any of the inhabitants of said town: *And further*, That the said commissioners shall, under their hands, deliver to the supervisor of such town a like statement of the improvements necessary to be made on the roads and bridges aforesaid, together with the probable expense thereof as aforesaid, which supervisor shall lay the same before the board of supervisors at their next meeting: *And the said board of supervisors are hereby required to cause the same to be assessed, levied and collected, in such town, in the same manner as the other contingent charges are by law directed to be levied and collected; which sums, when so collected, shall be paid over without delay, by the collector or collectors of such towns, out of the first monies coming into his or their hands, except the monies raised in such town for the support of the poor thereof, to the town clerk of such town, and shall by him be paid to the overseers of highways of such town, or to one or more of them, on the order of said commissioners: *Provided*, That the monies to be raised as aforesaid in any such town, shall not exceed in any one year the sum of two hundred and fifty dollars.*

To lay before the board of supervisors a statement of the improvements, etc.

How levied, etc.

Proviso.

Mile boards or stones to be erected.

XXXII. *And be it further enacted*, That it shall be the duty of the commissioners of highways in the several towns of this

state, to cause mile-boards or stones to be erected, where not already erected, on the post-roads, and such other public county roads in their respective towns, as they may think proper, at the distance of one mile from each other, with such fair and legible inscriptions or directions as they may think proper; and if any person shall destroy, remove, injure or deface such mile-boards or stones, they shall be liable to pay ten dollars for each mile-board or stone so destroyed, removed, injured or defaced, to be recovered with costs of suit, before any justice of the peace of the county where the offence shall be committed, which penalties so levied and collected, shall be paid to the commissioners, or any one of them, in the town where such offence shall be committed, and it shall be the duty of the said commissioners, forthwith to repair the mile-boards or stones so injured or removed, out of the monies arising from such penalties; and moreover such person or persons so offending, shall be deemed guilty of a misdemeanor, and punishable, on indictment and conviction, by fine or imprisonment, in the discretion of any court having cognizance thereof: *Provided*, Such fine shall not in any case exceed fifty dollars, nor shall the term of imprisonment, in any such case, exceed three months.

K.R. v. 1.599

Penalty for injuring them, etc.

Bridges how to be erected and repaired, etc. K.R. v. 1.599.

Proviso as to the amount of monies to be raised for the purpose.

Guide-posts to be also erected, etc. K.R. v. 1.603

XXXIII. *And be it further enacted*, That whenever it shall appear to the board of supervisors of any of the counties subject to this act, that any one of the towns in such county would be unreasonably burthened by erecting or repairing any necessary bridge or bridges in such town, the board of supervisors in such county shall be, and they are hereby authorized and required, to cause such sum of money to be raised as will be sufficient to defray the expenses of erecting or repairing such bridge or bridges, or such part thereof as they may deem proper, which sum of money shall be levied, collected and paid, at the same time and in like manner as the contingent charges of such county are levied, collected and paid, which said money shall be paid over unto the commissioners of the town in which the same is to be expended, on the order of the supervisor thereof: *Provided nevertheless*, That the supervisors shall not cause to be levied and raised on any county, any sum exceeding one thousand dollars, in any one year: *And provided further*, That in case the commissioners of highways of any such town shall be dissatisfied with the determination of the said supervisors, touching an allowance for any such bridges, such determination shall, on the application of the commissioners, be revised by the court of common pleas for the same county, whose order in the premises shall be observed by every such board of supervisors.

XXXIV. *And be it further enacted*, That the commissioners of each of the towns within this state, shall cause guide-posts, with proper descriptions and devices, to be erected at the intersection of all the post-roads of this state, and such by-roads as they may deem necessary, leading to or from any town, village or landing; and it shall be the duty of the overseers of the highways in the several towns, to maintain and keep in repair such guide-posts as may be erected by order of the commissioners, within the limits of the districts for which they are elected or appointed.

pointed respectively; and the money to defray the expense of erecting and keeping in repair such guide-posts, shall be levied, collected and paid, in each town, in the same manner as money is raised for the support of the poor thereof; and every person who shall injure or deface any such description, or destroy any of the said guide-posts, shall for every such offence forfeit the sum of ten dollars, to be recovered by any one of the commissioners or overseers of highways of the town, before any justice of the peace of the county, in the same manner as penalties for obstructing roads are directed to be recovered, part of which to be appropriated by the person recovering the same, in replacing such posts, or repairing such injury, and the remainder to be paid in the same manner as penalties for obstructing roads are directed to be paid: and the person or persons so offending, shall be liable to the same punishment as is directed in and by the thirty-second section of this act.

Penalty for defacing them etc.

XXXV. *And be it further enacted,* That each of the commissioners shall be allowed the sum of one dollar per day for every day they shall be employed in executing the duties enjoined on them by this act, and their accounts shall be audited and paid as other town-officers are paid.

Compensation to commissioners etc. K&R. v 1 600 sec. 27

XXXVI. *And be it further enacted,* That whenever any person or persons shall conceive himself or themselves aggrieved by the determination of the commissioners of highways, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any road, it shall be lawful for such person or persons, within forty days thereafter, to appeal to any three of the judges of the court of common pleas for the county in which such road is situated, whose duty it shall be to convene as soon as may be convenient and decide such appeal, and their decision, or that of any two of them, shall be conclusive in the premises, for which services every such judge shall be entitled to receive two dollars for every day employed therein, to be paid by such party appealing, where the determination of the commissioners shall be affirmed; but where such determination shall be reversed, the same shall be collected and paid as part of the contingent charges of the county.

Appeal given from decision of the commissioners K&R. v 1 589 sec. 2 W. v 5 071 Sec. 30 c. 405 2 Gaines' Rep 179 3 John Rep 84

XXXVII. *And be it further enacted,* That no road, which has been fixed by the decision of the judges on an appeal to them from the decision of the commissioners, shall be taken up or altered, but by the order of the same judges if they continue in commission, or such of them as do continue in commission joined with such other judge or judges as will make three, and that it shall be in the power of any person who desires to have such road discontinued or altered, with the approbation of the commissioners of highways of the town where such road lies, to call upon the said judges to view the same, and decide upon his or her petition, he or she paying the judges the same allowance to which they are entitled on appeals from commissioners.

Road fixed on such appeal not to be altered unless by the same judges, etc. W. v 5 375

XXXVIII. *And be it further enacted,* That whenever any road or highway shall be laid out by the commissioners of highways through enclosed or improved lands, and the person or persons through whose improved or enclosed lands the same has

Owner may elect the mode of assessing his damages, etc. W. v 5 387 § 3

been so laid out, shall have appealed from the decision of the commissioners, and whose doing shall have been confirmed, or in case no appeal shall have been made within the time limited by law, such owner or occupant shall, within thirty days thereafter, make his election as to the mode or manner in which he, she or they will elect, to have their damages assessed; and if such owner or occupant shall elect to have his damages assessed by the commissioners to be appointed by a judge of the court of common pleas, agreeable to the provisions of this act, it shall be his duty to give notice of the time of meeting of such commissioners to make such assessment to the supervisor of the town in which such assessment is to be made, whose duty it shall be to attend, and any assessment made by such commissioners, without such notice, shall be absolutely void.

XXXIX. *And be it further enacted,* That it shall and may be lawful for the commissioners of highways, or a majority of them, in all cases where they or a majority of them shall have laid out any public highway through any enclosed lands, in conformity to the provisions of this act, after giving the owner or occupant sixty days notice to remove his fences, to direct the said road to be opened and worked, and no action of trespass shall lie or be maintained against any person or persons acting in pursuance of such directions: *Provided,* That the determination of the said commissioners in the premises shall not have been appealed from, and if it has, then the sixty days notice shall be given after the decision of such appeal: *And provided also,* That the foregoing provision shall not extend to any roads laid out in any of the towns in the counties of Suffolk, Queens, Kings or Richmond.

Owner to remove his fences after road is laid out K&R. v 1 595 § 20

Proviso

Further proviso

XL. *And be it further enacted,* That it shall be the duty of the town clerk, whenever the order of the commissioners of highways for laying out, altering or discontinuing a road shall be recorded by him, to set up a copy of such order on the door of the house where the town-meeting is usually held, and that the time limited for appealing from the commissioners of highways to the judges shall be computed from the time of recording and setting up such order.

Notice to be put up of a road being altered or discontinued, and how and where

XLI. *And be it further enacted,* That in all cases of persons meeting each other on any turnpike road, or public highway in this state, travelling with carriages, sleighs, waggons or carts, the persons so meeting shall seasonably turn, drive and convey their carriages, sleighs, waggons or carts to the right of the centre of the road, so as to enable each other's carriages, sleighs, waggons or carts to pass each other without interference or interruption, under the penalty of five dollars for every neglect or offence, to be recovered by the party aggrieved in an action of debt, in any court having cognizance thereof, with costs of suit.

Carriages, etc. meeting each other to pass to the right [A similar provision in the act relative to turnpikes, etc.]

XLII. *And be it further enacted,* That where any money may have been paid into the hands of any collector, or other officer of any of the towns of this state, for the purposes of erecting or repairing bridges and improving highways by virtue of any former law, the same shall be paid into the hands of the commissioners of highways for the respective towns where any such

Certain moneys to be paid over to the commissioners K&R. v 1 602 sec. 31

sums may have been collected, to be applied to the several objects for which the said sums of money were raised and collected.

**XLIII.** And be it further enacted, That the superintendents of highways, heretofore appointed by virtue of the act, entitled "an act to regulate highways," passed the twenty-first day of March, one thousand seven hundred and ninety-seven, shall be and they are hereby directed and required to account with the supervisors of the respective counties in which they were appointed superintendents, in the same manner as if this act had not been passed.

**XLIV.** And be it further enacted, That the city of Hudson shall be considered as a town for all purposes intended by this act, except that the mayor, recorder, aldermen and commonalty of the said city shall be commissioners of highways in and for the said city of Hudson.

**XLV.** And be it further enacted, That in all cases, where either a public or private road or roads is about to be laid out under this act, and it shall appear to the justices of the peace by whose warrant the jury for determining and assessing the damages sustained by the owner or owners of the land through which the said road is about to be laid out shall be summoned, that all the constables of the town in which such road is about to be laid out, or in any wise akin to the owners thereof, the said justices may issue their warrant, directed to a constable of any other town in the same county, not interested in the said lands or akin to the owner, or owners thereof, commanding him to summon twelve reputable freeholders not having an interest in the said land, by whose oaths the damages sustained by the owner or owners of the said lands shall be determined and assessed according to the provisions of this act.

**XLVI.** And be it further enacted, That it shall and may be lawful for the commissioners of the different towns within the counties of Westchester, Rockland, Dutchess, Orange, Ulster and Sullivan, to lay out any roads not more than four, nor less than two rods wide.

**XLVII.** And be it further enacted, That all public acts relative to the highways in this state, except such acts as relate to the city and county of New-York, the city of Albany, and the counties of Suffolk, Queens, Kings and Richmond, shall be and hereby are repealed.

Superintendents of highways under former acts how to account W. v. 3. 328

Hudson a town under this act K. & R. v. 1 601. 334

Justices of the peace may issue warrants to constables of another town

Provision made with respect to width of roads in certain counties

Acts repealed

*Note.*—In 1691, the colonial General Assembly directed "Surveyors of highways" to be appointed. Br. ed. 6.—This is the earliest notice taken of highways in any edition of the laws of the Colony, though it is highly probable that even anterior to this period, legislative provision had been made on the subject.—Before the year 1683, it seems that highways were occasionally the subject of discussion and arrangement before the Governor and Council, and the system of laws called "The Duke's Laws," has also reference to highways, &c.—Perhaps no subject in our statute book has claimed a greater portion of legislative attention than the manner of making and improving roads.—Since the year 1799, Turnpike Roads have participated in these beneficial effects, and have received the fostering care of our legislatures.

CHAP. XLVII.—(R.L.)

An ACT declaring certain Waters to be public Highways; allowing certain Dams to be built and made, and for preventing obstructions in the Hudson River, and certain other Waters.

Passed April 2, 1813.

[K. & R. v. 1. 601—Ibid. v. 2. 302—W. v. 3. 145, 199, 310, 360, 363, 491, 503; 508—Ibid. v. 4. 127, 270, 389, 541—Ibid. v. 5. 64, 67, 93, 142, 388, 405; 446, 447, 449, 450, 453; 457, 463, 488, 511, 562—Sess. 31. ch. 27, 107, 183—Sess. 33. ch. 32, 180, 190, 193—Sess. 34. ch. 11, 98, 106, 131, 136, 149—Sess. 35. ch. 25, 152, 170.]

1. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the rivers formed by the outlets of Canadaraqua, Seneca, Otsego and Cayuga lakes, and such part of the outlet of the Crooked lake as is contained between the Seneca lake and the lowest mill seat on the said outlet; and the rivers formed by the outlets of the Owaseco and Skanectates lakes, to their respective junctions with the Seneca river to the first falls in each of the said rivers; and the Nine Mile creek, so called, from its entrance into the Salt lake, to the foot of the lower falls thereof, (above the foot of the lower falls thereof, being hereby excepted;) and the outlet of the said Salt lake and the inlet thereof, from the head of the said lake into the south line of the Onondaga reservation; and the Canaseraga and Chittenango creeks, (excepting such parts thereof as lie south of the Seneca turnpike road;) the two branches of the said Chittenango creeks, known by the names of Limestone and Butternut creeks, until the first falls on each of the same creeks; the Genesee river from the great falls thereunto its junction with the Canaseraga creek, and the said creek from its said junction to the southern boundary of township number seven, in the seventh range of the county of Ontario; and Mud creek from the center line of township number twelve in the first range, to its junction with the outlet of the Canadaraqua lake, (excepting however, the said outlet from the said lake to its junction with the waters of said Mud creek;) the rivers Conhocton and Canisteo, the former from the mills built thereon, adjoining the town of Bath, and the latter from a place known by the name of Big marsh, to their respective junctions with the river Tioga; and all that portion of the said river Tioga as lies within this state; the west branch of the Chenango river, from the north bounds of the town of Virgil, as originally surveyed, to its junction with the east branch thereof, and thence down the same to its junction with the Susquehanna river, and all such parts of the said Susquehanna, as are contained within this state; that part of the creek commonly called Wood creek, in the county of Washington, from Fort Ann to the falls in the township of Whitehall; all that part of Oneida creek, from the bridge over it near Oneida

Certain waters declared highways K. & R. v. 1 601. 334 Rivers formed by the outlets of Canadaraqua, Seneca and Cayuga lakes, and part of the outlet of Crooked lake [As to certain waters, etc. in England 9 H. 6. c. 5 19 H. 7. c. 18 25 H. 1. c. 12 26 H. 8. c. 5 27 H. 8. c. 18 607. W. 3. c. 6, etc. etc.] And those formed by the outlets of Owaseco and Skanectates lakes

Mud creek Sess. 35. ch. 25

Conhocton river and Canisteo river [Hudson river a public highway, etc. 3 Caines's Rep. 307] 9 John. Rep. 507 Tioga river Chenango river Susquehanna river Wood creek Oneida creek

[\* As to waters, &c.—Hargr. tr. 5, 8, 9, 85—Davies' Rep. 152—4 Burr. Rep. 2163—12 Mod. 510—Bull. N. P. 75—3 B. & E. 263—1 Wils. 174—Skin. 1. 35—9 John. Rep. 307.]

## New York State Legislature

Legislative Session Information for Year

2009

**Bill Text, Status, Summaries, Sponsor Memos, Floor Votes**

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## **VIL - Village**

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Article 3 - (3-300 - 3-312) OFFICERS AND ELECTIONS

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Article 22 - (22-2200) LOCAL IMPROVEMENTS

Article 22-A - (22-2210 - 22-2212) JOINT FIRE DISTRICTS

Article 23 - (23-2200 - 23-2208) CONSTRUCTION; LAWS REPEALED; EFFECTIVE DATE

## **VIL - Village**

### **Article 6 - STREETS, SIDEWALKS AND PUBLIC GROUNDS**

6-600 - Definitions.

6-602 - Separate highway district.

6-604 - Care of bridges.

6-606 - When village may construct or repair bridges.

6-608 - When village may relinquish care of bridges.

6-610 - Dedication of streets.

6-612 - Street improvement or acceptance.

6-614 - Notice of meeting of board.

6-616 - Changing grade of street or bridge.

6-618 - Streets on boundary lines.

6-620 - Sidewalks, payment for construction.

6-622 - Pavements.

6-624 - Acquisition of lands for parks, squares, athletic fields and playgrounds.

6-626 - Streets by prescription.

6-628 - Liability of village in certain actions.

6-630 - Provisions governing the improvement of highways in villages.

6-632 - Incumbering streets; encroachments.



§ 6-626 Streets by prescription. All lands within the village which have been used by the public as a street for ten years or more continuously, shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

## **SUMMARY**

### **1. NYS Route 69, Mexico-Colosse, SH 9285 and Munger Hill Road – ROW width of 4 rods**

Between 1797 and 1847, all turnpikes or plank roads were created by individual acts of the state legislature. Turnpike laws of 1807 and 1827 set up general provisions, and a minimum right of way width of 4 rods, which applied to all turnpikes created between 1807 and 1847, although each turnpike was still incorporated by an individual act. [L. 1807 c. 38 and L. 1827 c. 18<sup>1</sup>]

*(See 4-8 in NYSDOT ROW Manual, revised March 2008)*

NYS Route 69, Mexico-Colosse, SH 9285 Munger Hill Road to Black Creek is originally described in Mexico Road Book, Page 94 July 2, 1813 therefore HELS used a ROW width of 4 Rods.

### **2. Right of Way and Research at NYSDOT Region 3**

- A. Mexico Road Book, Page 94 July 2, 1813.
- B. Key Map and Plans of Property Acquisitions, Mexico-Colosse, S.H. 9285 dated March 1983.
- C. Record Plans for the Plans for Reconstructing a portion of the Mexico-Colosse S.H. 9285, D96312, Final Acceptance Date of December 30, 1981.
- D. Appropriation Map, No 10 Parcel 10 and is 436± feet South of Munger Hill Road.
- E. No Cross Sections of record.
- F. No Survey Field Notes of record.

<sup>1</sup>NY Chapter Laws cited as L. (year) c. (Chapter#)

**3. Right of Way and Research at Oswego County, Village and Town Departments**

- A. Oswego County Clerk at (315-349-8621) Responded with the comment that no Documentation on ROW width or any Contract Plans are on record. HELS did obtain copies of deeds and Acquisition Maps within survey and mapping limits.
- B. Oswego County DPW Engineer at (315-349-8331) Responded with the comment that no Documentation on ROW width or any Contract Plans are on record.
- C. Village of Mexico Clerk at (315-963-7564) Responded with the comment that no Documentation on ROW width or any Contract Plans are on record.
- D. Village of Mexico DPW Superintendent (315-963-3853) Responded with the comment that no Documentation on ROW width or any Contract Plans are on record.
- E. Town of Mexico Clerk at (315-963-7633) Responded with the comment that no Documentation on ROW width or any Contract Plans are on record.
- F. Town of Mexico DPW Superintendent (315-963-3531) Responded with the comment that no Documentation on ROW width or any Contract Plans are on record.

- 4. Re-Establishing the Original Centerlines of NYS Route 69, Mexico-Colosse, SH 9285 and Munger Hill Road**
- A. HELS researched and found no evidence of existing Cross Sections and /or any Survey Field Notes and mapping within survey and mapping limits.
- B. HELS did obtain copies of the Mexico Road Book, Page 94 July 2, 1813, Key Map and Plans of Property Acquisitions, Mexico-Colosse, S.H. 9285 dated March 1983 and Record Plans for the Plans for Reconstructing a portion of the Mexico-Colosse S.H. 9285, D96312, Final Acceptance Date of December 30, 1981 from said NYS DOT Reg. 3 office.
- C. HELS also obtained copies of deeds, tax maps, existing survey maps, existing acquisition maps and atlas maps from the Oswego County Clerk's Office.
- D. After reviewing and plotting of all found evidence to reconstruct the original centerlines, HELS determined that the earliest centerline of record that best represents the oldest original description as noted in the Mexico Road Book, Page 94 July 2, 1813 was by using deed plots for Liber 1119 at Page 222 for Tax Parcel 134.14-05-14, Liber 1460 at Page 174 for Tax Parcel 134.14-05-15, Instrument Number R-2003-013276 for Tax Parcel 134.14-05-16, Instrument Number R-2004-006897 for Tax Parcel 134.00-02-04.
- E. HELS used said deed plots and offset the computed centerline at two (2) Rods (33 feet) to re-establish the existing 4 Rod Highway Boundary ROW.